

Canada. Laws, Statutes, etc.

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CANADA
HOUSE OF COMMONS

24th Parliament, 3rd Session
1960

BILLS (First Reading)

(2 vols.)

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C-2.

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Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-2.

An Act to amend the Indian Act.

First reading, January 18, 1960.

THE MINISTER OF CITIZENSHIP AND IMMIGRATION.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

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3rd Session, 24th Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-2.

An Act to amend the Indian Act.

R.S., c. 149;
1952-53, c. 41;
1956, c. 40;
1958, c. 19.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Repeal.

1. Subsection (2) of section 86 of the *Indian Act* is repealed.

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Commence-
ment.

2. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

EXPLANATORY NOTES.

1. Subsection (1) of section 86 of the *Indian Act* grants Indians exemptions from taxation. Subsection (2) reads as follows:

“(2) Subsection (1) does not apply to or in respect of the personal property of an Indian who has executed a waiver under the provisions of paragraph (e) of subsection (2) of section 14 of the *Canada Elections Act*.”

Under section 14 of the *Canada Elections Act* Indians are entitled to vote if they execute a waiver of the tax exemptions in the *Indian Act*. It is proposed by an appropriate amendment to the *Canada Elections Act* to grant the franchise to Indians without waiving their tax exemptions, if they are otherwise qualified to vote. Subsection (2) of section 86 of the *Indian Act* will then become obsolete.

2. The amendment is to come into force on proclamation so that both amendments will take effect at the same time.

C-3.

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-3.

An Act to amend the Canada Elections Act.

First reading, January 18, 1960.

THE SECRETARY OF STATE.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

22008-7

Third Session, Twenty-fourth Parliament, 8 Elizabeth II, 1960

3rd Session, 24th Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-3.

An Act to amend the Canada Elections Act.

R.S., cc. 23,
306, 334;
1952-53, c. 24,
s. 7;
1955, c. 44.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Repeal.

- 1. (1) Paragraph (e) of subsection (2) of section 14 of the *Canada Elections Act* is repealed.
- (2) Subsection (4) of section 14 of the said Act is repealed.

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Commence-
ment.

- 2. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

THE SECRETARY OF STATE

EXPLANATORY NOTES.

1. The provisions to be repealed read as follows:

"(2) The following persons are disqualified from voting at an election and incapable of being registered as electors and shall not vote nor be so registered, that is to say,

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- (e) every Indian, as defined in the *Indian Act*, ordinarily resident on a reserve, unless,
 - (i) he was a member of His Majesty's Forces during World War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the 9th day of September, 1950, or
 - (ii) he executed a waiver, in a form prescribed by the Minister of Citizenship and Immigration, of exemptions under the *Indian Act* from taxation on and in respect of personal property, and subsequent to the execution of such waiver a writ has issued ordering an election in any electoral district;
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(4) Notwithstanding anything in this Act, a woman who is the wife of an Indian, as defined in the *Indian Act*, who was a member of His Majesty's Forces during World War I or World War II, or was a member of the Canadian Forces who served on active service, subsequent to the 9th day of September, 1950, is entitled to have her name included in the list of electors prepared for the polling division in which she ordinarily resides and is entitled to vote in such polling division, if such a woman is otherwise qualified as an elector."

The purpose of the proposed amendment is to grant the franchise to Indians without restriction if they are qualified as other electors.

2. A consequential amendment to the *Indian Act* is required.

The amendment proposed by this Bill is therefore to come into force on proclamation so that both amendments will take effect at the same time.

C-4.

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-4.

An Act to amend the Export and Import Permits Act.

First reading, January 18, 1960.

THE MINISTER OF TRADE AND COMMERCE.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

22050-9

3rd Session, 24th Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-4.

An Act to amend the Export and Import Permits Act.

1953-54, c. 27;
1957, c. 7.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Paragraph (b) of section 5 of the *Export and Import Permits Act* is repealed and the following substituted therefor: 5

“(b) to implement any action taken under the *Agricultural Stabilization Act*, the *Fisheries Prices Support Act*, the *Agricultural Products Co-operative Marketing Act* or the *Agricultural Products Board Act*, to support the price of the article or that has the effect of supporting the price of the article; or” 10

1957, c. 7, s. 1.

2. Section 27 of the said Act is repealed and the following substituted therefor:

Duration.

“**27.** This Act shall expire on the 31st day of July, 15 1963.”

THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTES.

1. The present paragraph (b) reads as follows:

"5. The Governor in Council may establish a list of goods, to be called an Import Control List, including therein any article the import of which he deems it necessary to control for any of the following purposes, namely,

(a)

(b) to implement any action taken under the *Agricultural Prices Support Act*, the *Fisheries Prices Support Act*, the *Agricultural Products Co-operative Marketing Act* or the *Agricultural Products Board Act*, to support the price of the article or that has the effect of supporting the price of the article; or"

The *Agricultural Stabilization Act*, 1957-58, c. 22 replaced the *Agricultural Prices Support Act*.

2. The present section 27 reads as follows:

"27. This Act shall expire on the 31st day of July, 1960."

The purpose of the proposed amendment is to extend the Act for a further period of three years.

C-5.

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-5.

An Act to amend the Criminal Code
(Trading Stamps)

First reading, January 18, 1960.

Mr. HOWARD.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

21863-6

3rd Session, 24th Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-5.

An Act to amend the Criminal Code
(Trading Stamps).

1953-54, c. 51;
1955, cc. 2, 45;
1956, c. 48;
1957-58, c. 28;
1958, c. 18;
1959, c. 41.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Paragraph (b) of section 322 of the *Criminal Code* is repealed and the following substituted therefor:

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“Trading
Stamps.”

“(b) “trading stamps” includes, besides trading stamps commonly so-called, any form of cash receipt, receipt, coupon, premium ticket or other device, designed or intended to be given to the purchaser of goods by the vendor thereof or on his behalf, and to represent a discount on the price of the goods or a premium to the purchaser thereof that may be redeemed.”

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EXPLANATORY NOTES.

The present section 322 of the *Criminal Code* is as follows:

- "322. In this Part,
- (a) "goods" means anything that is the subject of trade or commerce; and
 - (b) "trading stamps" includes any form of cash receipt, receipt, coupon, premium ticket or other device, designed or intended to be given to the purchaser of goods by the vendor thereof or on his behalf, and to represent a discount on the price of the goods or a premium to the purchaser thereof
 - (i) that may be redeemed
 - (A) by any person other than the vendor, the person from whom the vendor purchased the goods, or the manufacturer of the goods,
 - (B) by the vendor, the person from whom the vendor purchased the goods, or the manufacturer of the goods in cash or in goods that are not his property in whole or in part, or
 - (C) by the vendor elsewhere than in the premises where the goods are purchased; or
 - (ii) that does not show upon its face the place where it is delivered and the merchantable value thereof; or
 - (iii) that may not be redeemed upon demand at any time, but an offer, endorsed by the manufacturer upon a wrapper or container in which goods are sold, of a premium or reward for the return of that wrapper or container to the manufacturer is not a trading stamp."

Clause 1. The proposed amended definition restores the phrase "besides trading stamps commonly so-called", which was deleted in the 1953-54 revision of the *Code*. Further, the proposed amendment broadens the definition by removing the qualifications, in subparagraphs (i), (ii) and (iii) of paragraph (b), upon the method of redemption and respecting information upon the face of the stamp and also by removing the exception in favor of a manufacturer's premium or reward for return of a wrapper or container.

C-6.

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-6.

An Act to amend the Criminal Code
(Capital Punishment).

First reading, January 18, 1960.

Mr. McGEE.

3rd Session, 24th Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-6.

An Act to amend the Criminal Code
(Capital Punishment).

1953-54, c. 51;
1955, cc. 2, 45;
1956, c. 43,
ss. 19, 20;
1957-58, c. 28;
1958, c. 18.
1959, cc. 40,
41.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section 75 of the *Criminal Code*, chapter 51 of the statutes of 1953-54, is repealed and the following substituted 5
therefor:—

“**75.** (1) Every one commits piracy who does any act that, by the law of nations, is piracy.

(2) Every one who commits piracy while in or out of Canada is guilty of an indictable offence and is liable to 10 imprisonment for life.”

2. Section 206 of the said Act is repealed and the following substituted therefor:

“**206.** Every one who commits murder is guilty of an indictable offence and shall be sentenced to imprisonment 15 for life.”

Piracy by
law of
nations.

Punishment.

Punishment
for murder.

EXPLANATORY NOTES.

The purpose of this Bill is to provide that hereafter no person shall, except in certain cases of treason, be sentenced in Canada to suffer death but that such person shall hereafter be liable to imprisonment for life.

1. Section 75 at present reads as follows:—

"75. (1) Every one commits piracy who does any act that, by the law of nations, is piracy.

(2) Every one who commits piracy while in or out of Canada is guilty of an indictable offence and is liable to imprisonment for life, but if while committing or attempting to commit piracy he murders or attempts to murder another person or does any act that is likely to endanger the life of another person he shall be sentenced to death."

2. Section 206 at present reads as follows:—

"206. Every one who commits murder is guilty of an indictable offence and shall be sentenced to death."

C-7.

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-7.

An Act to amend the Criminal Code.
(Corporal Punishment).

First reading, January 18, 1960.

Mr. WINCH.

3rd Session, 24th Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-7.

An Act to amend the Criminal Code.
(Corporal Punishment).

1953-54, cc.
51, 52;
1955, cc. 2, 45;
1956, c. 48.
1958, c. 18;
1959, cc. 40,
41.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Punishment
for rape.

1. Section 136 of the *Criminal Code* is repealed and the following substituted therefor:

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"136. Every one who commits rape is guilty of an indictable offence and is liable to imprisonment for life."

Sexual
intercourse
with females
under
fourteen.

2. Subsection (1) of section 138 of the said Act is repealed and the following substituted therefor:

"138. (1) Every male person who has sexual intercourse with a female person who

(a) is not his wife, and

(b) is under the age of fourteen years,

whether or not he believes that she is fourteen years of age or more, is guilty of an indictable offence and is liable to 15 imprisonment for life."

Indecent
assault
on female.

3. Subsection (1) of section 141 of the said Act is repealed and the following substituted therefor:

"141. (1) Every one who indecently assaults a female person is guilty of an indictable offence and is liable to 20 imprisonment for five years."

Punishment.

4. Subsection (2) of section 142 of the said Act is repealed and the following substituted therefor:

"(2) Every one who commits incest is guilty of an indictable offence and is liable to imprisonment for fourteen 25 years."

EXPLANATORY NOTES.

The Joint Committee of the Senate and House of Commons on capital punishment, corporal punishment and lotteries, which reported in June and July, 1956, recommended, *inter alia*, that corporal punishment be abolished for any of the offences for which it is presently prescribed in the *Criminal Code*.

The purpose of this bill is to carry out this recommendation.

The sections or subsections of the *Criminal Code* referred to in the bill at present, read as follows:

"136. Every one who commits rape is guilty of an indictable offence and is liable to imprisonment for life *and to be whipped*."

"138. (1) Every male person who has sexual intercourse with a female person who

(a) is not his wife, and

(b) is under the age of fourteen years,

whether or not he believes that she is fourteen years of age or more, is guilty of an indictable offence and is liable to imprisonment for life *and to be whipped*."

"141. (1) Every one who indecently assaults a female person is guilty of an indictable offence and is liable to imprisonment for five years *and to be whipped*."

"142. (2) Every one who commits incest is guilty of an indictable offence and is liable to imprisonment for fourteen years, *and in the case of a male person is liable, in addition, to be whipped*."

5. Section 148 of the said Act is repealed and the following substituted therefor:

Indecent assault on male.

"148. Every male person who assaults another person with intent to commit buggery or who indecently assaults another male person is guilty of an indictable offence and is liable to imprisonment for ten years." 5

6. Section 218 of the said Act is repealed and the following substituted therefor:

Overcoming resistance to commission of offence.

"218. Every one who, with intent to enable or assist himself or another person to commit an indictable offence, 10

(a) attempts, by any means, to choke, suffocate or strangle another person, or by any means calculated to choke, suffocate or strangle, attempts to render another person insensible, unconscious or incapable of resistance, or 15

(b) administers, or causes to be administered to any person, or attempts to administer to any person, or causes or attempts to cause any person to take a stupefying or overpowering drug, matter or thing, is guilty of an indictable offence and is liable to imprisonment for life." 20

7. Section 289 of the said Act is repealed and the following substituted therefor:

Punishment for robbery.

"289. Every one who commits robbery is guilty of an indictable offence and is liable to imprisonment for life." 25

Subsection repealed.

8. Subsection (3) of section 292 of the said Act is repealed.

9. Subsections (3) and (4) of section 586 of the said Act are repealed and the following substituted therefor:

Delay in execution of sentence of death.

"(3) Where, pursuant to a conviction, a sentence of death has been imposed, 30

(a) the sentence shall not be executed until after the expiration of the time within which notice of appeal or of an application for leave to appeal may be given under this section; and

(b) an appeal or application for leave to appeal from the conviction or sentence shall be heard and determined as soon as practicable, and the sentence shall not be executed until after 35

(i) the determination of the application, where an application for leave to appeal is finally refused, 40

or

(ii) the determination of the appeal.

"148. Every male person who assaults another person with intent to commit buggery or who indecently assaults another male person is guilty of an indictable offence and is liable to imprisonment for ten years *and to be whipped.*"

"218. Every one who, with intent to enable or assist himself or another person to commit an indictable offence,

- (a) attempts, by any means, to choke, suffocate or strangle another person, or by any means, calculated to choke, suffocate or strangle, attempts to render another person insensible, unconscious or incapable of resistance, or
- (b) administers, or causes to be administered to any person, or attempts to administer to any person, or causes or attempts to cause any person to take a stupefying or overpowering drug, matter or thing.

is guilty of an indictable offence and is liable to imprisonment for life *and to be whipped.*"

"289. Every one who commits robbery is guilty of an indictable offence and is liable to imprisonment for life *and to be whipped.*"

"292. (3) *Every one who is convicted of an offence under this section who had upon his person, at the time he committed the offence, or was arrested therefor, an offensive weapon or imitation thereof, is liable to be whipped in addition to any other punishment that may be imposed in respect of the offence for which he is convicted.*"

"586. (3) Where, pursuant to a conviction, a sentence of death or whipping has been imposed,

- (a) the sentence shall not be executed until after the expiration of the time within which notice of appeal or of an application for leave to appeal may be given under this section; and
- (b) an appeal or application for leave to appeal from the conviction or sentence shall be heard and determined as soon as practicable, and the sentence shall not be executed until after
 - (i) the determination of the application, where an application for leave to appeal is finally refused, or
 - (ii) the determination of the appeal.

Effect of
certificate.

“(4) The production of a certificate

(a) from the registrar that notice of appeal or notice of application for leave to appeal has been given, or

(b) from the Minister of Justice that he has exercised any of the powers conferred upon him by section 596,

is sufficient authority to suspend the execution of a sentence of death, and where, pursuant to such suspension, a new time is required to be fixed for execution of the sentence, it may be fixed by the judge who imposed the sentence or any judge who might have held or sat in the same court.”

Section
repealed.

10. Section 641 of the said Act is repealed.

"(4) The production of a certificate

- (a) from the registrar that notice of appeal or notice of application for leave to appeal has been given, or
- (b) from the Minister of Justice that he has exercised any of the powers conferred upon him by section 596,

is sufficient authority to suspend the execution of a sentence of death or *whipping*, as the case may be, and where, pursuant to such suspension, a new time is required to be fixed for execution of the sentence, it may be fixed by the judge who imposed the sentence or any judge who might have held or sat in the same court."

"641. (1) *Where a person is liable to be sentenced to be whipped, the court may sentence him to be whipped on one, two or three occasions within the limits of the prison in which he is confined.*

(2) *A sentence of whipping shall specify the number of strokes to be administered on each occasion.*

(3) *A sentence of whipping shall be executed under the supervision of the prison doctor or, if he is unable to be present, it shall be executed under the supervision of a duly qualified medical practitioner to be named by the Attorney General of Canada, where the sentence is executed in a prison administered by the Government of Canada, or where the sentence is executed in a prison administered by the government of a province, to be named by the Attorney General of that province.*

(4) *The instrument to be used in the execution of a sentence of whipping shall be a cat-o'-nine tails, unless some other instrument is specified in the sentence.*

(5) *A sentence of whipping shall be executed at a time to be fixed by the keeper of the prison in which it is to be executed, but, whenever practicable, a sentence of whipping shall be executed not less than ten days before the expiration of any term of imprisonment to which the convicted person has been sentenced.*

(6) *No female person shall be whipped."*

C-8.

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-8.

An Act to amend the Interest Act.

First reading, January 18, 1960.

Mr. ARGUE.

THE HOUSE OF COMMONS OF CANADA.

BILL C-8.

An Act to amend the Interest Act.

R.S., c. 156.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Section 2 of the *Interest Act* is repealed and the following substituted therefor:

Rate of interest not to exceed twelve per cent per annum.

“2. Except as otherwise provided by this or by any other Act of Parliament no person may stipulate, allow or exact on any contract or agreement whatsoever, a rate of interest in excess of twelve per cent per annum, whether it is called interest or is claimed as a discount, deduction from advance, commission, brokerage, chattel mortgage fees, or recording fees, or is claimed as fines, penalties or charges for inquiries, defaults or renewals or otherwise, and whether paid to or charged by the lender or paid to or charged by any other person, and whether fixed and determined by the loan contract itself, or in whole or in part by any other collateral contract or document by which the charges, if any, imposed under the contract or the terms of the repayment of the loan are effectively varied.”

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EXPLANATORY NOTE.

Section 2 as at present provides that there is no restriction as to the rate of interest except as provided by statute. The amendment limits the rate to twelve per cent.

This section now reads as follows:

"2. Except as otherwise provided by this or by any other Act of the Parliament of Canada, any person may stipulate for, allow and exact, on any contract or agreement whatsoever, any rate of interest or discount that is agreed upon."

First reading, January 13, 1910

C-9.

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-9.

An Act to amend the Industrial Relations and Disputes
Investigation Act (Application to Civil Service).

First reading, January 18, 1960.

Mr. HOWARD.

3rd Session, 24th Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-9.

An Act to amend the Industrial Relations and Disputes Investigation Act (Application to Civil Service).

R.S., c. 152.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Section 38 of the *Industrial Relations and Disputes Investigation Act* is amended by adding thereto, immediately after subsection (1) thereof, the following subsection: 5

Report binding on Crown and its employees.

“(2) Notwithstanding subsection (1), where the parties are Her Majesty in right of Canada and employees of Her Majesty in right of Canada, the recommendation of the Conciliation Board is binding on the parties and they shall give effect thereto.” 10

2. Section 55 of the said Act is repealed and the following substituted therefor:

Part I. Crown and Crown employees.

“**55.** Part I, excepting sections 21, 22, 23, 24 and 26 thereof, applies to bind Her Majesty in right of Canada and the employees of Her Majesty in right of Canada.” 15

Com-mencement.

3. This Act shall be deemed to have come into force on the expiration of the 31st day of March, 1960.

BILL C-12

EXPLANATORY NOTES.

The purpose of this Bill is to remove the exception in the *Industrial Relations and Disputes Investigation Act* which specifies that Part I of that Act shall not apply to the Crown and its employees. However, this Bill retains the exception insofar as strikes and lockouts are concerned; it provides, in substitution therefor, that the recommendation of a Conciliation Board shall bind the Crown and its employees instead of the present provision that the recommendation shall bind only by mutual written agreement of the parties.

Clause 1 adds the new provision that the Conciliation Board recommendation shall bind the Crown and its employees.

Clause 2 removes the exception in the present section 55 which provides that Part I of the Act does not apply to the Crown and its employees and substitutes a provision that Part I does apply to these parties with the exception of the provisions relating to strikes and lockouts.

Clause 3 provides that the proposed amendment shall be effective at the beginning of the government's 1960-61 fiscal year.

C-10.

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-10.

An Act to amend the Small Loans Act.

First reading, January 18, 1960.

Mr. ARGUE.

3rd Session, 24th Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-10.

An Act to amend the Small Loans Act.

R.S., c. 251;
1956, c. 46.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1956, c. 46.

Maximum
cost.

1. Subsection (2) of section 3 of the *Small Loans Act* is repealed and the following substituted therefor: 5

- "(2) The cost of a loan shall not exceed the aggregate of
- (a) one per cent per month on any part of the principal balance not exceeding one thousand dollars, and
 - (b) one-half of one per cent per month on any remainder of the unpaid principal balance exceeding one thousand dollars." 10

Loans, how
repayable.

2. Subsection (1) of section 6 of the said Act is repealed and the following substituted therefor:

"6. (1) Every loan shall be repayable in approximately equal instalment of principal or of principal and cost of the loan at intervals of not more than one month each, and on default in the payment of any instalment, interest shall accrue thereon from the date of default at the rate fixed by the contract as the cost of the loan." 15

1956, c. 46.

Maximum
cost.

3. (1) Subsections (2) and (3) of section 14 of the said Act are repealed and the following substituted therefor: 20

"(2) The cost of a loan made by the Company shall not exceed the aggregate of

- (a) one per cent per month on any part of the unpaid principal balance not exceeding one thousand dollars, and 25
- (b) one-half of one per cent per month on any remainder of the unpaid principal balance exceeding one thousand dollars." 25

EXPLANATORY NOTES.

The main purpose of this Bill is to provide for a reduction of the rate of interest or "cost of loan" allowed by the *Small Loans Act* from two per cent per month to one per cent per month on any part of the unpaid principal balance not exceeding three hundred dollars.

1. Subsection (2) of section 3 at present reads as follows:

- "(2) The cost of a loan shall not exceed the aggregate of
- (a) *two per cent per month on any part of the unpaid principal balance not exceeding three hundred dollars,*
 - (b) *one per cent per month on any part of the unpaid principal balance exceeding three hundred dollars but not exceeding one thousand dollars,*
and
 - (c) *one-half of one per cent per month on any remainder of the unpaid principal balance exceeding one thousand dollars."*

2. Subsection (1) of section 6 at present reads as follows:

"6. (1) Every loan shall be repayable in approximately equal instalments of principal or of principal and cost of the loan at intervals of not more than one month each, and on default in the payment of any instalment, interest shall accrue thereon from the date of default at the rate fixed by the contract as the cost of the loan; *but if default in the payment of any instalment continues beyond the date on which the last instalment of the loan falls due, interest shall accrue thereon at a rate not exceeding one per cent per month from such date."*

3. (1) Subsections (2) and (3) of section 14 at present read as follows:

- "(2) The cost of a loan made by the Company shall not exceed the aggregate of
- (a) *two per cent per month on any part of the unpaid principal balance not exceeding three hundred dollars,*
 - (b) *one per cent per month on any part of the unpaid principal balance exceeding three hundred dollars but not exceeding one thousand dollars,*
and
 - (c) *one-half of one per cent per month on any remainder of the unpaid principal balance exceeding one thousand dollars.*

"(3) *Where a loan of five hundred dollars or less is made for a period greater than twenty months or where a loan exceeding five hundred dollars is made for a period greater than thirty months, the cost of the loan shall not exceed one per cent per month on the unpaid principal balance thereof."*

1956, c. 46.

(2) Paragraph (a) of subsection (5) of the said section is repealed and the following substituted therefor:

Repayment
of loans.

“(a) The loan shall be repayable in approximately equal instalments of principal or of principal and cost of the loan at intervals of not more than one month each, and on default in the payment of any instalment, interest shall accrue thereon from the date of default at the rate fixed by the contract as the cost of the loan;” 5

(2) Paragraph (a) of subsection (5) at present reads as follows:

"(a) the loan shall be repayable in approximately equal instalments of principal or of principal and cost of the loan at intervals of not more than one month each, and on default in the payment of any instalment, interest shall accrue thereon from the date of default at the rate fixed by the contract as the cost of the loan; *but if default in the payment of any instalment continues beyond the date on which the last instalment of the loan falls due, interest shall accrue thereon at a rate not exceeding one per cent per month from such date;*"

C-11.

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-11.

An Act to amend the Canada Fair Employment Practices
Act (Age Discrimination).

First reading, January 18, 1960.

Mr. HOWARD.

THE HOUSE OF COMMONS OF CANADA.

BILL C-11.

An Act to amend the Canada Fair Employment Practices Act (Age Discrimination).

1952-53, c. 19. HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Section 4 of the *Canada Fair Employment Practices Act* is repealed and the following substituted therefor: 5

"PROHIBITED EMPLOYMENT PRACTICES.

Employers not to discriminate.

"4. (1) No employer shall refuse to employ or to continue to employ, or otherwise discriminate against any person in regard to employment or any term or condition of employment because of his race, national origin, colour, religion, or age unless age is a *bona fide occupational qualification*. 10

Use of employment agencies that discriminate.

"(2) No employer shall use, in the hiring or recruitment of persons for employment, any employment agency that discriminates against persons seeking employment because of their race, national origin, colour, religion, or age unless age is a *bona fide occupational qualification*. 15

Membership in trade unions.

"(3) No trade union shall exclude any person from full membership or expel or suspend or otherwise discriminate against any of its members or discriminate against any person in regard to his employment by any employer, because of that person's race, national origin, colour, religion, or age unless age is a *bona fide occupational qualification*. 20

Discharge, expulsion, etc.

"(4) No employer or trade union shall discharge, expel or otherwise discriminate against any person because he has made a complaint or given evidence or assisted in any way in respect of the initiation or prosecution of a complaint or other proceeding under this Act. 25

EXPLANATORY NOTES

The chief purpose of this Bill is to add age discrimination to the list of prohibited employment practices unless age is a *bona fide* occupational qualification. A secondary purpose is to prohibit the employer from including in an employment application form, advertisement or written or oral inquiry, a question or request for particulars as to the applicant's race, national origin, colour, religion or age unless by reason of a *bona fide* occupational qualification.

Clause 1. The present section 4 is amended by adding, where necessary, the words "*or age unless age is a bona fide occupational qualification*". To achieve the above-mentioned secondary purpose, subsection 5(b) is added. Except for these additions, the proposed new section 4 is identical with the present section.

Prohibited practices when employing.

“(5) No person shall use or circulate any form of application for employment or publish any advertisement in connection with employment or prospective employment or make any written or oral inquiry in connection with employment that

5

(a) expresses either directly or indirectly any limitation, specification or preference as to race, national origin, colour, religion, or age unless the limitation, specification or preference is based upon a *bona fide* occupational qualification; or

10

(b) contains a question or a request for particulars as to the race, national origin, colour, religion, or age of an applicant for employment unless the question or request for particulars is based upon a *bona fide* occupational qualification.

15

Trade union name.

“(6) Whenever any question arises under this section as to whether a trade union discriminates contrary to this section, no presumption shall be made or inference drawn from the name of the trade union.”

C-12.

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-12.

An Act to amend the Small Loans Act. (Advertising.)

First reading, January 18, 1960.

Mr. ARGUE.

3rd Session, 24th Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-12.

An Act to amend the Small Loans Act. (Advertising.)

R.S., c. 251;
1956, c. 46.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1956, c. 46, s. 2

1. Section three of the *Small Loans Act* is amended by adding thereto the following subsection: 5

Advertising
to indicate
percentum
per annum.

“(5) Whenever a money-lender advertises himself as carrying on the business of money-lending and in such advertising indicates the monthly or other periodic payments required for the repayment of any loan, he shall also indicate in such advertising what the total cost of any such loan amounts to in terms of percentum per annum.” 10

1956, c. 46, s. 6

2. Subsection (5) of section 14 of the said Act is amended by striking out the word “and” after paragraph (b) thereof, by inserting the word “and” after paragraph (c) thereof and by adding thereto the following paragraph: 15

Proviso.

“(d) whenever any small loans company advertises itself as carrying on the business of money-lending and in such advertising indicates the monthly or other periodic payments required for the repayment of any loan, it shall also indicate in such advertising what the total cost of any such loan amounts to in terms of percentum per annum.” 20

EXPLANATORY NOTE.

The purpose of this Act is to amend the *Small Loans Act*, so as to require any money-lender or small loans company, in any advertising in which the amount required by way of monthly or periodic payments in order to repay a loan is indicated, to state what the cost of such loan amounts to in terms of per centum per annum.

C-13.

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-13.

An Act respecting the Printing of Negotiable Instruments
in the English and the French Languages.

First reading, January 18, 1960.

Mr. PIGEON.

This Order of the House of Commons is subject to the provisions of the Standing Orders of the House of Commons.

3rd Session, 24th Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-13.

An Act respecting the Printing of Negotiable Instruments in the English and the French Languages.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Negotiable instruments to be printed in English and French.

1. Every cheque, draft, traveller's cheque, bill of exchange, postal note, money order, postal remittance and any other similar remittance of any department as defined in paragraph (f) of section 2 of the *Financial Administration Act* or of any Crown corporation enumerated in Schedules B, C and D of the said Act shall be printed in both the English and the French languages: Provided the form and material thereof shall be subject to the approval of the Minister of Finance.

Mr. Finlay

THE HOUSE OF COMMONS

THE HOUSE OF COMMONS

BILL C-11

EXPLANATORY NOTE.

The printing of negotiable instruments in both the English and the French languages is in accordance with the principle established in the *Bank of Canada Act* where it is enacted (subsection (4) of section 21) that the notes payable to bearer on demand and intended for circulation in Canada issued by the Bank shall be printed in both the official languages.

First reading, January 18, 1968.

C-14.

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-14.

An Act respecting Flags of Canada.

First reading, January 18, 1960.

Mr. BOULANGER.

THE HOUSE OF COMMONS OF CANADA.

BILL C-14.

An Act respecting Flags of Canada.

WHEREAS Canada is a sovereign nation, among the members of the Commonwealth of Nations, with them united by a common allegiance to the Crown;

AND WHEREAS it is desirable and urgent that Canada possess a distinctive national flag;

Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows:

- Short title. — **1.** This Act may be cited as the *National Flag of Canada Act*. 10
- Duty to prepare a design. — **2.** The Governor in Council shall prepare a design for a suitable distinctive national flag for Canada of a character to minimize the possibility of such flag being mistaken for that of any other country.
- Report to Parliament. **3.** The Governor in Council shall, during the present 15 session of Parliament, report thereto the design of the said flag so prepared.
- Approval and issuance of Royal Proclamation. **4.** Notwithstanding any royal prerogatives and anything contained in any Act of the Parliament of the United Kingdom such design for a national flag, after it has been 20 approved by a joint resolution of the Senate and House of Commons, shall be submitted for approval to Her Majesty the Queen and for the issuance of a Royal Proclamation under the Great Seal of Canada respecting such ensign, armorial flags and banners as Her Majesty shall be pleased 25 to appoint.

THE HOUSE OF COMMONS OF CANADA

BILL C-18

EXPLANATORY NOTE.

As it is desirable and urgent that Canada possess a distinctive national flag, this Bill provides a method of obtaining a flag with the least possible delay. The method adopted is to have the Governor in Council prepare the design immediately upon the passage of this Bill and to submit the design for approval to the House and the other place at this session. In this manner Canadians could have a distinctive national flag at the end of this session.

First reading, January 15, 1911

C-15.

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-15.

An Act to amend the Financial Administration Act.

First reading, January 18, 1960.

Mr. BOULANGER

3rd Session, 24th Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-15.

An Act to amend the Financial Administration Act.

R.S., c. 116;
1955, c. 3;
1958, c. 31.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The *Financial Administration Act* is amended by inserting therein, immediately after section 33 thereof, the following section: 5

Negotiable
instruments
to be
printed in
English
and French.

“33A. The form and material of every negotiable instrument issued under section 33 and of every negotiable instrument issued by or for any department or by or for any Crown corporation as defined in paragraph (c) of subsection (1) of section 76 shall be subject to approval by the Minister, but each such negotiable instrument shall be printed in both the English and the French languages.” 10

THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTES.

The purpose of this Bill is to provide that every cheque, draft, traveller's cheque, bill of exchange, postal note, money order, postal remittance and any other similar remittance of any department as defined in paragraph (f) of section 2 of the *Financial Administration Act* or of any Crown corporation enumerated in schedules B, C and D of the same Act shall be printed in both the English and the French languages.

This is in accordance with the principle established in the *Bank of Canada Act* where it is enacted (subsection (4) of section 21) that the notes payable to bearer on demand and intended for circulation in Canada issued by the Bank shall be printed in both the official languages.

C-16.

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-16.

An Act to amend the British North America Acts, 1867 to 1952, with respect to the Readjustment of Representation in the House of Commons.

First reading, January 18, 1960.

Mr. FISHER.

3rd Session, 24th Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-16.

An Act to amend the British North America Acts, 1867 to 1952, with respect to the Readjustment of Representation in the House of Commons.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

R.S., c. 304.

1. The first eight lines of subsection (1) of section fifty-one of the *British North America Act, 1867*, as enacted by the *British North America Act, 1952*, being chapter 304 of the Revised Statutes of Canada, 1952, are repealed and the following substituted therefor: 5

Readjustment of representation in Commons.

“**51.** (1) Subject as hereinafter provided, the number of members of the House of Commons shall be two hundred and sixty-three and the representation of the provinces therein shall forthwith upon the coming into force of this section and thereafter on the completion of each decennial census be readjusted by such authority, independent of the Parliament of Canada in such manner, and from such time 15 as the said Parliament from time to time provides, subject and according to the following rules:”

Short title and citation.

2. This Act may be cited as the *British North America Act, 1960*, and the *British North America Acts, 1867 to 1952*, and this Act may be cited together as the *British North America Acts, 1867 to 1960*. 20

This Bill, together with Explanatory Notes, is printed in the

THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTES.

The purpose of this Bill is to introduce in subsection (1) of section 51 of the B.N.A. Act, 1867 the underlined words "independent of the Parliament of Canada" so that the readjustment of the representation in the Commons be done in future by an independent body rather than by a Committee of the House of Commons.

C-17.

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-17.

An Act respecting Procedure in relation to
Parliamentary Divorce.

First reading, January 18, 1960.

Mr. MORTON.

3rd Session, 24th Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA

BILL C-17.

An Act respecting Procedure in relation to
Parliamentary Divorce.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short title.

1. This Act may be cited as the *Parliamentary Divorce Act*.

5

Powers of the Senate in matters of divorce.

2. When a divorce bill has been passed by the Senate, it shall be presented to the Governor General and shall become an Act of Parliament on the Royal Assent being signified, without the necessity of the said Act being sent to the House of Commons for concurrence.

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Coming into force.

3. This Act shall come into force on the first day of the next session of Parliament following its assent.

THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTE.

The form of this Bill is inspired by the Parliament Act, 1911 of the United Kingdom. Divorce Bills in Canada have become so numerous in the last years that a great portion of the time of Parliament is consumed with the procedure relative to their adoption.

The main work is done by the Senate Divorce Committees who act in a quasi judicial capacity. After the bills have been passed by the Senate they are sent to the House of Commons where they are dealt with mainly *en bloc* as a formality. This however takes up much valuable time which could be better used for the study of other private legislation and important public legislation by private members.

There is no doubt that the Senate is in a much better position than the House to deal with divorce matters. This they have handled well in the past. If the procedure can be improved and if the rules can be altered to better serve the administration of justice in these matters it would be preferably left to the wisdom and experience of the Upper Chamber than to a popular assembly.

C-18.

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-18.

An Act to provide for Pay for Statutory Holidays for Employees and for Pay for Work Performed on Statutory Holidays.

First reading, January 18, 1960.

Mr. REGIER.

EXPLANATORY NOTE.

The purpose of this bill is to provide that all employees in Canada who come under federal labour jurisdiction shall receive their regular pay for at least eight statutory holidays each year, without having to work on those holidays. It also provides that when any such employee is required to work on any statutory holiday, as defined in the bill, he shall receive pay for such work at double time in addition to his regular pay for such holiday.

Nothing in this bill affects any provision for statutory holidays with pay enjoyed by any employees where such provisions are more favourable than those enjoyed herein, but this bill does supersede any provisions which are less favourable than those set out in this bill.

"Pre-scribed."
 "Statutory holiday."

(g) "prescribed" means prescribed by the Minister;
 (h) "statutory holiday" means New Year's Day, Good Friday, Victoria Day, Dominion Day, Labour Day, Thanksgiving Day, Remembrance Day and Christmas Day;

5

"Rate of wages."

(i) "rate of wages" means the basis of calculation of wages;

"Wage" or "wages."

(j) "wage" or "wages" means any compensation for labour or services paid to or retained by, or partly paid to and partly retained by, an employee, whether measured by time, piece, commission or by any other method whatever or by any combination of such methods;

10

"Week."

(k) "week" means the period between midnight on Saturday and midnight on the immediately following Saturday.

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Application of Act.

3. This Act applies to and in respect of employment upon or in connection with any work, undertaking or business that is within the legislative authority of the Parliament of Canada, including, but not so as to restrict the generality of the foregoing,

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(a) works, undertakings, or businesses operated or carried on for or in connection with navigation and shipping, whether inland or maritime, including the operation of ships and transportation by ship anywhere in Canada;

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(b) railways, canals, telegraphs and other works and undertakings connecting a province with any other or others of the provinces, or extending beyond the limits of a province;

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(c) lines of steam and other ships connecting a province with any other or others of the provinces or extending beyond the limits of a province;

(d) ferries between any province and any other province or between any province and any country other than Canada;

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(e) aerodromes, aircraft and lines of air transportation;

(f) radio broadcasting stations;

(g) banks and banking;

(h) such works or undertakings as, although wholly situate within a province, are before or after their execution declared by the Parliament of Canada to be for the general advantage of Canada or for the advantage of two or more of the provinces; and

40

(i) any work, undertaking or business outside the exclusive legislative authority of the legislature of any province;

45

and to and in respect of,

(j) all employees employed by any employer engaged in any such work, undertaking or business.

50

Statutory
Holiday Pay
for
employees.

4. (1) Every full time employee, and every part time employee employed by an employer during not less than four consecutive weeks prior to a statutory holiday, who does not work and is not required to be at the disposal of his employer on a statutory holiday shall be paid by his employer in addition to all other sums to which he is entitled, a sum equal to that to which the employee would be entitled as wages exclusive of overtime for that day were that day not a statutory holiday. 5

(2) Every employee who works or is required to be at the disposal of his employer on a statutory holiday shall be paid by his employer in addition to all other sums to which he is entitled, a sum equal to a sum computed in accordance with subsection (1), plus a sum equal to two times the regular rate of wages of such employee for each hour or part thereof he works or is required to be at the disposal of his employer on such holiday. 10 15

(3) Where a statutory holiday falls on a day other than a regular work day of a full time employee the holiday shall for the purpose of this Act insofar as that employee is concerned be deemed to be the next following regular work day of such employee. 20

Evasion of
section 4
prohibited.

5. No employer shall discharge, or temporarily dispense with the services of, an employee, or alter the regular working hours of an employee for the purpose of evading compliance with section 4 of this Act. 25

Effect of
Act on
alternative
holiday
arrangement.

6. (1) Nothing in this Act affects any provision in any Act, agreement or contract of service or any custom which ensures to employees more favourable conditions than those provided by this Act. 30

(2) Any provision in any Act, agreement or contract of service or any custom which is less favourable to employees than the provisions of this Act is superseded by this Act.

Agreements
not to
deprive
employees of
benefits
of Act.

7. (1) No agreement, whether heretofore or hereafter entered into, shall have any force or effect in so far as it deprives any employee of any right, power, privilege or other benefit provided by this Act. 35

(2) No employer shall require an employee to return to him, nor shall he accept from an employee the whole or any part of any sum which he paid to that employee under the provisions of this Act. 40

Discrimina-
tion by
employer
prohibited.

8. No employer shall discharge or threaten to discharge or in any way discriminate against any employee for:

(a) testifying or consenting to testify in any investigation or proceeding relative to the enforcement of this Act, or 45

- (b) giving any information to the Minister or his duly authorized representative regarding any matter governed by this Act.

Posting of
abstracts.

9. Every employer shall post and keep posted in a conspicuous place where his employees are engaged in their duties any prescribed abstract or abstracts of the provisions of this Act or the regulations. 5

Holiday
book.

10. (1) Every employer employing any employee to whom this Act applies shall at all times keep a record to be called a "holiday book" showing in the case of each of his employees: 10

- (a) the name and address of the employee;
- (b) the regular rate of wages of the employee;
- (c) the date of the commencement and termination of the employment of the employee; 15
- (d) the date of the statutory holiday of the employee in accordance with this Act;
- (e) the sum of money paid to the employee in respect of each statutory holiday excluding the sum referred to in clause (f); 20
- (f) the sum of money paid to the employee in respect of time the employee was required or permitted to work or to be at the disposal of the employer on each statutory holiday;
- (g) the exact hours the employee was required to work or to be at the disposal of the employer on each statutory holiday; 25
- (h) such other particulars as are prescribed.

(2) The holiday book may be incorporated in any holiday book or wages book which the employer is required to keep under any other Act of Parliament. 30

Power to
inspect
holiday book
and obtain
information.

11. The Minister or his duly authorized representative may at any reasonable time:

- (a) inspect the holiday book in use by any employer for the time being or any such book used by that employer during the preceding three years; 35
- (b) require any employer to verify the entries in his holiday book by statutory declaration or in such manner as the Minister or his duly authorized representative may require; 40
- (c) require any person to furnish, in a form acceptable to the Minister or his duly authorized representative, such information as the Minister or his duly authorized representative deems necessary to ascertain whether the provisions of this Act and the regulations are being or have been complied with. 45

Money paid under Act deemed to be salary or wages.

12. All money payable by an employer to any employee under this Act and any money ordered to be paid by an employer under subsection (2) of section 14 shall be deemed to be salary or wages earned by the employee, and shall be subject accordingly to all deductions which the employer is required to make from salary or wages under any Act of Parliament. 5

Time limit for prosecutions.

13. Prosecutions for offences created by this Act shall be instituted within one year after the commission of the alleged offence. 10

Penalties.

14. (1) Every person who:

- (a) fails to comply with or violates any provision of this Act or the regulations; or
- (b) with intent to deceive, makes any false or misleading statement in any communication, whether in writing 15 or otherwise, to the Minister or his duly authorized representative; or
- (c) interferes with or obstructs the Minister or his duly authorized representative in the exercise of any power conferred upon him by this Act or any regulation made 20 thereunder;

is guilty of an offence and liable on summary conviction to a fine not exceeding two hundred dollars for the first offence and in default of payment to imprisonment for not more than thirty days, and for each subsequent offence, 25 to a fine not exceeding four hundred dollars and in default of payment to imprisonment for not more than ninety days.

(2) If an employer is convicted of failure to pay to any employee any money which he is required to pay under the provisions of this Act, the Court shall, in addition to the 30 fine imposed, order the employer to pay to it forthwith an amount equivalent to that which the employer failed to pay to the employee and the court shall pay the said amount to the employee forthwith upon receipt of it.

(3) If the employer fails to pay any money ordered to 35 be paid under subsection (2), the court may order that the employer be imprisoned for a further term of not less than thirty days nor more than ninety days.

Power of representative of Minister to determine amount of average wage not paid.

15. (1) If a duly authorized representative of the Minister finds that an employer has failed to pay to any 40 employee any money which the employer is required to pay under the provisions of this Act, the representative may determine the amount which the employer failed to pay to the employee and if the amount is agreed to in writing by the employer and the employee, the employer 45 shall within two days, pay it to the Deputy Minister who shall pay it to the employee forthwith upon receipt of it.

(2) The employer who pays such amount to the Deputy Minister as required by subsection (1) shall not be liable to prosecution for failure to pay to the employee concerned the money referred to in subsection (1).

Records of
Deputy
Minister.

16. (1) The Deputy Minister shall keep a record of all money paid to him by employers and paid by him to employees under section 15. 5

(2) Where money received by the Deputy Minister on behalf of an employee has not been paid to the employee concerned by reason of the fact that the Deputy Minister has been unable to ascertain the whereabouts of the employee, and the employee does not claim it within a period of two years from the date of receipt thereof by the Deputy Minister, such money shall, upon the order of the Deputy Minister, become the property of the Crown in right of Canada. 10 15

Regulations.

17. (1) The Governor in Council may make such regulations, not inconsistent with this Act, as are necessary to carry out the provisions of this Act according to their true intent. 20

(2) All regulations shall take effect upon such date as may be designated in the regulations, and shall have the same force and effect as if herein enacted.

Coming into
force.

18. This Act shall come into force on the 1st day of September, 1960. 25

C-19.

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-19.

An Act to amend the Canada Fair Employment Practices
Act (Crown Bound).

First reading, January 18, 1960.

Mr. HOWARD.

3rd Session, 24th Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-19.

An Act to amend the Canada Fair Employment Practices Act (Crown Bound).

1952-53, c. 19.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Section 3 of the *Canada Fair Employment Practices Act* is amended by adding thereto, immediately after subsection (1) thereof, the following subsection: 5

Crown
Bound.

“(2) This Act binds Her Majesty in right of Canada and servants and agents of Her Majesty in right of Canada.”

THE HOUSE OF COMMONS OF CANADA

BILL C-30

EXPLANATORY NOTES.

The purpose of this Bill is to prevent discrimination by the Government of Canada against its employees or applicants for employment in the public service.

The Act presently applies as follows:

"3. This Act applies to and in respect of employment upon or in connection with any work, undertaking or business that is within the legislative authority of the Parliament of Canada, including, but not so as to restrict the generality of the foregoing,

- (a) works, undertakings or businesses operated or carried on for or in connection with navigation and shipping, whether inland or maritime, including the operation of ships and transportation by ship anywhere in Canada;
 - (b) railways, canals, telegraphs and other works and undertakings connecting a province with any other or others of the provinces, or extending beyond the limits of a province;
 - (c) lines of steam and other ships connecting a province with any other or others of the provinces or extending beyond the limits of a province;
 - (d) ferries between any province and any other province or between any province and any country other than Canada;
 - (e) aerodromes, aircraft and lines of air transportation;
 - (f) radio broadcasting stations;
 - (g) banks and banking;
 - (h) such works or undertakings as, although wholly situate within a province, are before or after their execution declared by the Parliament of Canada to be for the general advantage of Canada or for the advantage of two or more of the provinces; and
 - (i) any work, undertaking or business outside the exclusive legislative authority of the legislature of any province;
- and to and in respect of
- (j) employees engaged in any such work, undertaking or business;
 - (k) employees or other persons employed or seeking employment upon or in connection with any such work, undertaking or business;
 - (l) trade unions composed of such employees; and
 - (m) the employment by any corporation established to perform any function or duty on behalf of the Government of Canada of employees."

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-20.

An Act to provide for the Development of certain Provinces
by the Distribution of Industry and for the Reduction
of Unemployment therein

First reading, January 18, 1960.

MR. COATES.

THE HOUSE OF COMMONS OF CANADA.

BILL C-20.

An Act to provide for the Development of certain Provinces by the Distribution of Industry and for the Reduction of Unemployment therein.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

Short title. **1.** This Act may be cited as the *Industrial Development Bank Act, 1960.* 5

INTERPRETATION.

Definitions. **2.** In this Act,
"Basic service." (a) "basic service" means the provision of facilities for transport, whether by road, rail, water or air, or facilities for power, lighting or heating, or housing, health or other services on which the development of 10 a development area, and in particular of industrial enterprises therein, depends;
"Development area." (b) "development area" means a province named in the Schedule to this Act or any locality therein;
"Industrial estate company." (c) "industrial estate company" means a body corporate 15 and politic that is constituted by the authority of a province named in the Schedule for the purpose of facilitating the provision of premises needed for meeting the requirements of industrial enterprises, including requirements arising from the needs of 20 persons employed or to be employed therein, or sites for such premises or means of access thereto;
R.S. c. 151, s. 2, incorporated. (d) Section 2 of the *Industrial Development Bank Act*, being the "Interpretation" section, is incorporated 25 herein.

Construed with R.S. c. 151; 1956, c.25. **3.** This Act shall be read and construed as one with the *Industrial Development Bank Act.*

EXPLANATORY NOTES.

The purpose of this bill is twofold: firstly, to encourage the development of industry in the four Maritime Provinces; secondly, to reduce high-level unemployment by the development of industries in areas in those Provinces where unemployment persists. The method used is to adapt the facilities provided by the *Industrial Development Bank Act*, which is general to all Canada, to the specific economic needs of the Maritime Provinces; and to integrate those financial and advisory facilities with the similar facilities provided by those Provinces.

The bill is separate from but is to be read and construed with the *Industrial Development Bank Act* (Clause 3). Specifically, the interpretation section of that Act, is incorporated by Clause 2(d)—the substantial definition being that of "industrial enterprise", as follows:

"industrial enterprise" means an enterprise in which is carried on the business of

- (i) manufacturing, processing, assembling, installing, overhauling, reconditioning, altering, repairing, cleaning, packaging, transporting or warehousing of goods.
- (ii) logging, operating a mine or quarry, drilling, construction, engineering, technical surveys or scientific research,
- (iii) generating or distributing electricity or operating a commercial air service, or the transportation of persons, or
- (iv) supplying premises, machinery or equipment for any business mentioned in subparagraph (i), (ii) or (iii) under a lease, contract or other arrangement whereby title to the premises, machinery or equipment is retained by the supplier."

Bank loans for industrial premises to industrial estate company.

4. The Industrial Development Bank, upon the recommendation of the Board of Directors of the Bank, may make loans to an industrial estate company where the Board is satisfied the loans will further the provision of premises for industrial enterprises in the development area in such a way as to induce persons to establish or expand industrial enterprises in such area. 5

Bank grants and loans for basic services.

5. Where it appears to the Board that adequate provision has not been made for the needs of a development area in respect of a basic service, the Bank may make grants or loans toward the cost of making adequate the service to such persons and in such manner as appears to the Board to be requisite for enabling those needs to be met. 10

Bank grants and loans for industrial enterprises.

6. (1) The Bank may, upon the recommendation of the Board, agree with any person carrying on, or proposing to carry on, in a development area an industrial enterprise already established or proposed to be established to give financial assistance to the carrying on of the enterprise, on such terms as may be specified in the agreement, in one or more of the following ways 15 20

(a) by making annual grants to the said person, either towards the cost of paying interest on monies borrowed or to be borrowed for the purposes of the undertaking or generally for those purposes;

(b) by making loans for those purposes. 25

Conditions of approval.

(2) This section applies to an industrial enterprise approved by the Board as complying with the requirements of the proper distribution of industry, being an enterprise as to which the Bank is satisfied in accordance with such recommendation of the Board that there are reasonable prospects of its ultimately being able to be carried on successfully without further assistance under this section, but that the person carrying it on or proposing to carry it on cannot for the time being, without assistance under this section, obtain capital required for the purposes of the undertaking on the requisite terms. 30 35

Bank grants and loans for enterprises to reduce high unemployment.

7. The Bank may give assistance by way of grant or loan to any person carrying on or proposing to carry on in a development area an enterprise by way of trade or business, whether or not that enterprise: 40

(a) is an industrial enterprise within the meaning of the *Industrial Development Bank Act*; or

(b) is approved by the Board in pursuance of subsection (2) of section 6 as complying with the requirements of the proper distribution of industry, 45

Clause 4. This clause provides that the Bank may lend money to an industrial estate company to assist in providing premises for an industrial enterprise.

Clause 5. This clause provides that the Bank may make grants or loans to an acceptable person or company towards providing basic services (as defined in Clause 2(a)).

Clause 6. This clause provides that the Bank may make grants or loans to an acceptable person or company towards the establishment or assistance of an industrial enterprise.

Clause 7. This clause provides that the Bank may make grants or loans to an acceptable person or company to establish an enterprise in an area of persistent high-level unemployment. The restrictions on the Bank's discretion are here relaxed as to type of enterprise and conditions of assistance.

if the Board is satisfied that the purpose for which the grant or loan is required is a purpose likely to reduce or contribute to the reduction of the rate of unemployment in any locality of a development area in which, in the opinion of the Board, a high rate of unemployment exists and is likely to persist. 5

Returns.

8. The Bank shall include an account of its administration under this Act in the returns required of it by the provisions of the *Industrial Development Bank Act*.

SCHEDULE.

DEVELOPMENT AREAS.

Nova Scotia.	
New Brunswick.	
Newfoundland.	10
Prince Edward Island.	

Third Session, Eighth Parliament of Elizabeth II, 1974

Clause 8. This requires the Bank to include its report under this bill with the reports to Parliament and to the Minister of Finance required under the *Industrial Development Bank Act*.

BILL C-11

An Act respecting Navigation and Harbour Matters on the
FRESH WATERS

First reading, January 16, 1974

Mr. McPherson

C-21.

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-21.

An Act respecting Navigation and Salmon Fishery on the
Fraser River.

First reading, January 18, 1960.

Mr. McPHILLIPS.

3rd Session, 24th Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-21.

An Act respecting Navigation and Salmon Fishery on the
Fraser River.

HER Majesty, by and with the advice and consent of the
Senate and House of Commons of Canada, enacts as
follows:

No obstruction
to navigation or
fishery on the
Fraser River.

1. No hydro-electric power shall be generated in the
Fraser River in the province of British Columbia, nor 5
shall any dam, weir or other obstruction to navigation or
to the spawning run of the Pacific salmon, be constructed
in or over the said river.

Rights
saved.

2. This Act shall not apply to any project of the
Government of Canada respecting navigation, flood control, 10
river bed erosion, current control or to the protection,
assistance and development of the Pacific salmon fishery.

That is to say, Fourth Parliament, 1st Session, 1905.

THE HOUSE OF COMMONS OF CANADA.

EXPLANATORY NOTE.

The purpose of this bill is to safeguard navigation and the Pacific salmon fishery in the Fraser river.

An Act to provide for the better regulation of the Pacific Salmon Fishery in the Fraser River.

First Reading, January 25, 1905.

C-22.

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-22.

An Act to provide for the Establishment of a Hospital
Sweepstakes Board.

First reading, January 18, 1960.

Mr. BROWNE
(Vancouver-Kingsway).

THE HOUSE OF COMMONS OF CANADA.

BILL C-22.

An Act to provide for the Establishment of a Hospital Sweepstakes Board.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short title.

1. This Act may be cited as the "*Hospital Sweepstakes Act.*"

5

Board established.

2. (1) There shall be a Board, to be called the Hospital Sweepstakes Board, consisting of three members to be appointed by the Governor in Council.

(2) The Board shall be a body corporate and politic.

(3) The head office of the Board shall be in the City of Ottawa.

(4) The Board may establish branches and agencies and appoint agents in Canada and may also, with the approval of the Governor in Council, establish branches and appoint agents elsewhere than in Canada.

15

Members' qualifications.

3. (1) The members shall be men of proven financial experience and each shall devote the whole of his time to the duties of his office.

(2) No person shall hold office as a member who

(a) is not a Canadian Citizen;

(b) is a member of either House of Parliament or of a provincial legislature;

(c) is employed in any capacity in the public service of Canada or of any province of Canada or holds any office or position for which any salary or other remuneration is payable out of public moneys;

(d) accepts or holds any office or employment inconsistent with his duties and functions under this Act; and

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25

EXPLANATORY NOTES.

The purpose of this Bill is twofold. *Firstly*: by providing a legal outlet, under strictly supervised conditions, for those Canadian residents who wish to gamble on sweepstakes, lotteries and like games of chance, the Bill supplements those provisions of the *Criminal Code* which endeavour to prevent Canadian residents participating in such activities whether the gambling is promoted within or outside Canada. *Secondly*: it assures that moneys spent by Canadian residents on such activities will be redirected, with a minimum of expense, to the promotion of the welfare of Canadian residents rather than dissipated in large part for the benefit of promoters and, in many instances, outside Canada.

Accordingly, a Board is set up with power to operate sweepstakes on a national scale. In constitution, responsibility to the Minister of Finance and to Parliament, and provision for independent audit, it is somewhat similar to the Bank of Canada. The share capital is held by the Minister for the benefit of Canada. The organization expenses of the Board are financed by a loan from the Industrial Development Bank. The Board has power to operate outside the relevant provisions of the *Criminal Code*, *Post Office Act* and other prohibitive Acts. Apart from operating expenses and the maintenance of a sound financial structure, all income is paid to Her Majesty's Lieutenant Governors for the benefit of hospitals in the several provinces. The division of the profits is made according to the population of the provinces.

(e) has reached the age of seventy years.

Members' tenure.

4. Subject to section 4, a member shall be appointed to hold office during good behaviour for a period of seven years but may be removed at any time by the Governor in Council upon address of the Senate and House of Commons.

5

Members' salary.

5. The salaries of the members shall be fixed by the Governor in Council.

Board chairman.

6. (1) The Governor in Council shall designate one of the members to be Chairman of the Board.

Duties.

(2) The Chairman is the chief executive officer of the Board and has supervision over and direction of the work and staff of the Board.

10

Temporary member.

(3) If any member of the Board by reason of absence or other incapacity is unable at any time to perform the duties of his office, the Governor in Council may appoint a temporary substitute member upon such terms and conditions as the Governor in Council may prescribe.

15

Vacancy.

(4) A vacancy in the membership of the Board does not impair the right of the remainder to act.

Staff.

7. Such other officers and employees necessary for the proper conduct of the operations of the Board shall be appointed under the provisions of the *Civil Service Act*.

20

R.S., 1952, c. 48.

1952-53, C. 47.

8. For the purposes of the *Public Service Superannuation Act*, the officers and employees appointed as provided in section seven shall be deemed to be persons employed in the Public Service.

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Special staff.

9. The Governor in Council may appoint and fix the remuneration of experts or persons having technical or special knowledge to assist the Board in any matter in an advisory capacity.

30

Oath.

10. Each member, officer and employee of the Board, before entering upon his duties, shall take an oath of fidelity and secrecy in a form prescribed by the Governor in Council.

Capital.

11. (1) The capital of the Board shall be five million dollars but may be increased from time to time pursuant to a resolution passed by the members of the Board and approved by the Governor in Council and by the Parliament of Canada.

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Equitable
ownership
in Canada.

(2) The capital shall be divided into one hundred thousand shares of the par value of fifty dollars each, which shall be issued to the Minister of Finance to be held by him on behalf of Canada.

Share
registration.

(3) The shares issued to the Minister of Finance shall be registered by the Board in his name in the books of the Board at Ottawa. 5

Purpose of
the Board.

12. The Board shall organize and operate a national sweepstakes to be held from time to time and at such times as the Board may determine and for such purposes shall have all powers necessary and incidental thereto. 10

Regulations.

13. The Board shall make regulations, subject to the approval of the Governor in Council, with respect to the organization and operation of a national sweepstakes and, in particular but without limiting the generality of the foregoing, may except in any manner, and so as to bind the Crown, such organization and operation from so much of the provisions of the *Criminal Code*, the *Post Office Act*, or other Act of the Parliament of Canada as may be necessary for the lawful organization and operations of the Board. 15 20

1953-54, c. 51.
R.S., 1952,
c. 212.

Organization
loan by
Industrial
Development
Bank.

14. The Industrial Development Bank shall lend the Board, and the Bank is hereby authorized and empowered so to do, all moneys required to be expended for the purposes of the Board prior to the time when the Board is able to provide moneys out of its revenues to meet its expenditures and obligations and the Board, when able so to do, shall repay the Bank the moneys lent with interest of four per centum per annum. 25

R.S., 1952,
c. 151.

Repayment.

Hospital
Fund.

15. The Board, when it has repaid the moneys borrowed and has established a reserve and otherwise put its operations upon a sound basis, shall allocate the ascertained surplus available from the operations of the Board during each financial year to a "Hospital Fund"; thereafter in each year the Board shall apportion the moneys in the Fund to each Province in an amount having the same ratio to the Fund as the population of that Province has to the total population of all the Provinces and shall pay each portion so calculated to the Lieutenant Governor of the appropriate Province for the benefit of the public hospitals of that Province as may be determined and defined by the Lieutenant Governor. 30 35 40

Appointment
of auditors.

16. (1) For the purpose of auditing the affairs of the Board, the Governor in Council shall, on the recommendation of the Minister of Finance, not later than January 31st each year, appoint two auditors, eligible to be appointed as auditors of a chartered bank, but no person is eligible for appointment if he or any member of his firm has been auditor for two successive years during the three next preceding years. 5

Vacancy.

(2) Where any vacancy occurs in the office of auditor of the Board, notice thereof shall forthwith be given by the Board to the Minister of Finance who thereupon shall appoint some other auditor eligible to be appointed as an auditor of a chartered bank to serve until January 31st next following. 10

Persons
ineligible.

(3) No member, officer or employee of the Board and no member of a firm of auditors of which a member of the Board is a member is eligible for appointment as an auditor. 15

Reports to
Minister.

(4) The Minister of Finance may from time to time require the auditors to report to him upon the adequacy of the procedure adopted by the Board to put and maintain the operations of the Board upon a sound financial basis and as to the sufficiency of the Board's procedure in auditing the affairs of the Board; and the Minister of Finance may, at his discretion, enlarge or extend the scope of the audit or direct that any other procedure be adopted or that any other examination be made by the auditors as the public interest may seem to require. 20 25

Copies to
Minister.

(5) A copy of every report made by the auditors to the Board under this section shall be sent to the Minister of Finance by the auditors at the same time as such report is sent to the Board. 30

Fiscal year.

17. (1) The fiscal year of the Board shall be the calendar year.

Certified
statements
of accounts
to Minister.

(2) Within six weeks after the end of each fiscal year, the Board shall transmit to the Minister of Finance a statement of its accounts for the fiscal year, signed by the Chairman and the Chief Accountant of the Board, and certified by the auditors, together with such summary or report by the Chairman as he may deem desirable or as may be required by the Minister of Finance. 35 40

Report to
Parliament.

(3) A copy of the accounts so signed and certified and of the Chairman's report shall be forthwith published in the *Canada Gazette*, and if Parliament is then sitting, shall within fourteen days after the receipt thereof by the Minister of Finance be laid before Parliament, or if Parliament is not sitting, it shall be laid before Parliament within fourteen days after the commencement of the next ensuing session. 45

Holding
office when
ineligible.

18. Every person who holds office or continues to hold office as a member of the Board, knowing that he is not eligible for such office, is guilty of an indictable offense and liable to imprisonment for not more than three years and not less than three months.

5

False
returns.

19. Every member, officer or auditor of the Board who verifies any statement, account or list required to be furnished to the Minister of Finance pursuant to the provisions of this Act, or who has to do with the sending or transmitting of the same to the Minister, knowing the same to be false in any material particular, is guilty of an indictable offense and liable to imprisonment for not more than five years and not less than six months.

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Contra-
vention of
Act or
regulations.

20. Any member, officer, or employee of the Board, or any other person who fails or omits to comply with any provision of this Act or of the regulations thereunder made is guilty of an offense and, unless otherwise provided by this Act, is liable on summary conviction to a fine of not less than one hundred dollars and not more than five hundred dollars.

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Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-23.

An Act with respect to Hospital and University Sweepstakes.

First reading, January 18, 1960.

Mr. PIGEON.

THE HOUSE OF COMMONS OF CANADA

BILL C-23.

An Act with respect to Hospital and University Sweepstakes.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short title.

1. This Act may be cited as the "*Hospitals and Universities Sweepstakes Act.*"

5

Attorney-General of any province may authorize sweepstakes for hospitals and universities within that province.

2. Notwithstanding any law to the contrary and notwithstanding anything to the contrary contained in any other Act, it shall be lawful from time to time, but not oftener than twice in each calendar year, for the Attorney-General of any province in which the same is to be conducted to authorize by a certificate under his hand the conduct within such province by any person or persons therein named (hereinafter referred to as "the Committee") of one or two sweepstakes for the purpose of raising money for the benefit of one or more hospital or hospitals and/or one or more university or universities within such province.

10

15

Attorney-General may make regulations.

Power defined.

3. (1) By such certificate the Attorney-General may make such regulations, not inconsistent with the spirit of this Act, as he considers necessary or advisable; and, without limiting the generality of the foregoing, the power of the Attorney-General to make regulations under this section shall extend to:

20

- (a) specifying the hospital or hospitals, university or universities to be benefited by the sweepstakes and specifying in what amount or in what proportion each such hospital, and/or university shall be benefited;
- (b) specifying the person or persons to whom the moneys to be applied for the benefit of such hospital or hospitals, university or universities, shall be paid and in what way they shall be applied;

30

- (c) specifying the event or events upon which the winner or winners of the sweepstakes shall be determined and when and where and in what manner the winner or winners shall be determined;
- (d) specifying when the sale of tickets may commence and when it must cease; 5
- (e) specifying the price at which each ticket shall or may be sold;
- (f) specifying the form and contents of the tickets to be sold; 10
- (g) specifying what proportion of or what amount out of the proceeds of the sale of tickets shall be applied
- (i) for the benefit of the hospital or hospitals, university or universities;
- (ii) in defraying the expenses of the conduct of the sweepstakes; 15
- (iii) in prizes;
- (h) specifying what may be allowable as expenses of the conduct of the sweepstakes;
- (i) specifying how many prizes there shall be and what proportion or amount of the moneys available for prizes shall be allocated to each prize; and providing for the division of the moneys available for prizes into equal or unequal units; and specifying when and where and in what manner the prizes shall be paid to the winners; 20 25
- (j) providing for the supervision of the conduct of the sweepstakes and the sale of tickets therein and for the custody of the moneys received in respect thereof and for the auditing of the accounts thereof and for the payments of the expenses occasioned by such supervision and auditing out of the moneys to be applied in defraying the expenses of the conduct of the sweepstakes; 30
- (k) specifying by what member or members or by what employee or employees the Committee may act in carrying out any of its powers in relation to the conduct of the sweepstakes; 35
- (l) specifying the places, terms and conditions which the Committee shall specify in exercising its powers under section four hereof. 40

Official
gazette.

Evidence.

(2) Every certificate given under this Act shall forthwith after being issued be published by the Committee in one issue of the official gazette for the province and evidence of such certificate may be given in any court in Canada by a production of a copy of such official gazette purporting to contain a copy of such certificate. 45

Authority to
sell tickets
for
sweepstakes.

4. It shall be lawful within the province wherein the Attorney-General has authorized by certificate the conduct of a sweepstakes in accordance with this Act, for any person thereunto authorized in writing by the Committee: 5
(a) to sell anywhere in such province tickets in such sweepstakes;

Agents.

(b) to act as the agent of the Committee for the distribution of tickets, the receipt of moneys and the authorization of persons to sell tickets as aforesaid; and by any such writing the Committee may specify the 10 places and manner in which and the terms and conditions upon which the person named in the writing may sell tickets or act as the agent of the Committee as the case may be.

Advertising.

5. Notices for the sale of tickets for a sweepstakes 15 authorized to be conducted in accordance with the provisions of this Act may be advertised in newspapers, magazines, and periodicals published only in the province within which the sweepstakes is authorized.

Agents
appointed
only in
province
where
sweepstakes
authorized.

(2) Agents or solicitors for the sale or promotion of 20 sweepstakes tickets shall not be authorized or appointed in any province in Canada other than the province within which the sweepstakes is authorized.

Agent
outside of
Canada.

6. Nothing in this Act shall prevent the sale outside of Canada by the Committee or its agents authorized in 25 writing so to do, of tickets for sweepstakes as authorized to be conducted in accordance with the provisions of this Act.

Conducting
sweepstakes
contrary to
regulations.

7. Every person conducting an authorized sweepstakes otherwise than in accordance with the regulations prescribed 30 in the certificate and every authorized person acting as the Committee's agent or selling tickets otherwise than in accordance with the provisions of this Act and/or with such regulations and/or with the provisions of the Committee's authorization shall be guilty of an indictable offence and 35 liable to two years' imprisonment and to a fine not exceeding two thousand dollars; but no commission of such an offence and no other irregularity in the conduct of a sweepstakes for the conduct of which a certificate has been granted or in the sale of tickets for such sweepstakes shall render such 40 sweepstakes or the purchase of tickets therein illegal or void.

Penalty.

Criminal
Code not
to apply.

8. The provisions of the *Criminal Code* respecting betting, pool-selling, book-making and lotteries, shall not apply to any sweepstakes authorized under the provisions of this 45 Act.

C-24.

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-24.

An Act to amend the Senate and House of Commons Act.
(Solicitor General's Eligibility).

First reading, January 18, 1960.

Mr. HOWARD.

THE HOUSE OF COMMONS OF CANADA.

BILL C-24.

An Act to amend the Senate and House of Commons Act.
(Solicitor General's Eligibility).

R.S., c. 249;
R.S., c. 310;
1953-54, cc. 10
and 13.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Members
of Privy
Council also
excepted.

1. Section 14 of the *Senate and House of Commons Act* is repealed and the following substituted therefor: 5

"**14.** Nothing in this Act renders ineligible, as aforesaid, any person, member of the Queen's Privy Council, holding the recognized position of First Minister, President of the Queen's Privy Council for Canada, Minister of Finance, Minister of Justice, Minister of National Defence, Secretary of State of Canada, Minister of Transport, Minister of Public Works, Postmaster General, Minister of Agriculture, Minister of National Revenue, Minister of Fisheries, Minister of Trade and Commerce, Minister of Labour, Secretary of State for External Affairs, Minister of National Health and Welfare, Minister of Veterans Affairs, Minister of Resources and Development, Minister of Mines and Technical Surveys, Minister of Citizenship and Immigration, Minister of Defence Production, or any office that is here-
after created, to be held by a member of the Queen's Privy Council for Canada and entitling him to be a Minister of the Crown, or disqualifies any such person to sit or vote in the House of Commons, if he is elected while he holds such office, or is a member of the House of Commons at the date of his nomination by the Crown for such office, and is not otherwise disqualified." 10
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Commence-
ment of Act.

2. This Act shall be deemed to have come into force upon the expiration of the 31st day of March, 1960.

THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTES.

The present section 14 is similar to the proposed section 14 except that the words "or Solicitor General", that appear in the present section after the words "Minister of Defence Production", are omitted from the proposed section.

The purpose of the proposed amendment is to remove the privilege enjoyed by the Solicitor General under the present section whereby he is permitted to hold an office of profit in the service of the Government of Canada at the nomination of the Crown and yet be eligible to be a member of the House of Commons and to sit or vote therein.

The effect of the proposed amendment is to remove the immunity now granted by section 14 so that section 10 of the Act operates with respect to the office of Solicitor General; the result is that the holder of the position is not eligible to be a member of the House or to sit or vote therein. Under sections 16 and 17 the seat of a member, holding or continuing to hold the position, would be thereby vacated; and any member, so disqualified, who continued as a member, or to sit or vote, would forfeit the sum of \$200 a day recoverable from him at the suit of any person who sued for the same. A member of the House who is Solicitor General might avoid disqualification and penalty by resigning his position or, alternatively, pursuant to section 11 of the Act, retain the position and forego the profits of office through an appropriate amendment to the *Salaries Act*.

C-25.

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-25.

An Act to amend the Transport Act.

First reading, January 18, 1960.

Mr. BROWNE.
(Vancouver-Kingsway).

3rd Session, 24th Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-25.

An Act to amend the Transport Act.

R.S., 1952,
c. 271; 1955,
c. 59.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1955, c. 59.

1. Subsection one of section thirty-three of the *Transport Act* is repealed and the following substituted therefor: 5

Complaints.

“33. (1) Where an agreed charge has been in effect for at least three months

- (a) any carrier, or association of carriers, by water or rail,
- (b) any association or other body representative of the shippers of any locality, or 10
- (c) any association or other body representative of the motor vehicle operators of Canada or of a province thereof 15

may complain to the Minister that the agreed charge is unjustly discriminatory against a carrier or a motor vehicle operator or a shipper or places his business at an unfair disadvantage, and the Minister may, if he is satisfied that in the public interest the complaint should be investigated, refer the complaint to the Board for investigation.” 20

Third Reading, Twenty-Fourth Parliament, 1st Session, II, 1960.

THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTES.

The purpose of this amendment is to provide that representatives of the trucking industry shall have the right to make application to the Minister of Transport when they feel that an agreed charge unjustly discriminates against a motor vehicle operator.

The only change in subsection (1) of section 33 consists in the addition of the underlined paragraph (c) therein.

First reading, January 18, 1960.

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-26.

An Act to provide for Minimum Wages for Employees.

First reading, January 18, 1960.

Mr. PETERS.

THE HOUSE OF COMMONS OF CANADA.

BILL C-26.

An Act to provide for Minimum Wages for Employees.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

- Short title. **1.** This Act may be cited as the *Canada Minimum Wage Act*. 5
- Interpretation. **2.** In this Act,
"Deputy Minister." (a) "Deputy Minister" means the Deputy Minister of Labour;
"employee." (b) "employee" means a person of any age of either sex who is in receipt of or entitled to any remuneration for labour or services performed for an employer; 10
"employer." (c) "employer" means any person, firm or corporation employing one or more employees and includes every agent, manager, representative, contractor, sub-contractor or principal and every other person who either: 15
(i) has control or direction of one or more employees; or
(ii) is responsible, directly or indirectly, in whole or in part, for the payment of wages to, or the receipt of wages by, one or more employees; 20
"full-time employee." (d) "full-time employee" means any employee whose employer requires or permits such employee to work or to be at his disposal in excess of 32 hours in any week; 25
"Minister." (e) "Minister" means the Minister of Labour;
"part-time employee." (f) "part-time employee" means any employee whose employer requires or permits such employee to work or to be at his disposal for 32 hours or less in any week; 30
"rate of wages." (g) "rate of wages" means the basis of calculation of wages;

EXPLANATORY NOTES.

The purpose of this bill is to establish a minimum rate of wages with respect to all employees in Canada who come under federal labour jurisdiction. This bill provides that such minimum rate of wages shall be \$1.25 per hour. The bill also provides that its terms do not affect any employee whose rate of wages is higher than the minimum established by this legislation. However, any rate of wages less favourable to employees than \$1.25 per hour is superseded by this bill.

"wage" or
"wages."

(h) "wage" or "wages" means any compensation for labour or services paid to or retained by, or partly paid to and partly retained by, an employee, whether measured by time, piece, commission or by any other method whatsoever or by any combination of such methods; 5

"week."

(i) "week" means the period between midnight on Saturday and midnight on the immediately following Saturday.

Application
of Act.

3. This Act applies to and in respect of employment upon or in connection with any work, undertaking or business that is within the legislative authority of the Parliament of Canada, including, but not so as to restrict the generality of the foregoing, 10

(a) works, undertakings, or businesses operated or carried on for or in connection with navigation and shipping, whether inland or maritime, including the operation of ships and transportation by ship anywhere in Canada; 15

(b) railways, canals, telegraphs and other works and undertakings connecting a province with any other or others of the provinces, or extending beyond the limits of a province; 20

(c) lines of steam and other ships connecting a province with any other or others of the provinces or extending beyond the limits of a province; 25

(d) ferries between any province and any other province or between any province and any country other than Canada;

(e) aerodromes, aircraft and lines of air transportation; 30

(f) radio broadcasting stations;

(g) banks and banking;

(h) such works or undertakings as, although wholly situate within a province, are before or after their execution declared by the Parliament of Canada to be for the general advantage of Canada or for the advantage of two or more of the provinces; and 35

(i) any work, undertaking or business outside the exclusive legislative authority of the legislature of any province; 40

and to and in respect of,

(j) all employees employed by any employer engaged in any such work, undertaking or business.

Minimum
wages for
employees

4. (1) Every full-time employee shall be paid by his employer, in respect of the time such employee is required or permitted by his employer to work or to be at his disposal, wages which are not less than wages calculated at the rate of \$1.25 per hour. 45

(2) Every part-time employee shall be paid by his employer, in respect of the time such employee is required or permitted by his employer to work or to be at his disposal, wages which are not less than wages calculated at the rate set out in subsection (1) hereof, provided however that the Governor in Council may by regulation fix, in the case of every such part-time employee, a rate higher than that set out in subsection (1) hereof, and any rate thus fixed shall have the same force and effect as if herein enacted. 5

Items to be supplied without cost to employees.

5. Where an employer requires any employee to use any special wearing apparel, tools or equipment he shall supply the same and provide for the laundering of the wearing apparel and the maintenance and repair of the tools and equipment without costs to the employee. 10

Value of and maximum deductions for board or lodging supplied by employer.

6. Where board or lodging are supplied by an employer to an employee and are accepted by the employee the value of such board or lodging for the purpose of calculating the minimum wages the employee shall be paid under this Act shall not exceed \$.50 per meal for board and \$.75 per day for lodging and no employer shall deduct from the wages of such employee any sum for board or lodging in excess of the values fixed herein. 15 20

Effect of Act on other Acts, agreements, contracts and customs.

7. (1) Nothing in this Act affects any provision in any Act, agreement or contract of service or any custom which ensures to employees more favourable conditions than those provided by this Act. 25

(2) Any provision in any Act, agreement or contract of service or any custom which is less favourable to employees than the provisions of this Act is superseded by this Act.

Agreements not to deprive employees of benefits of Act.

8. (1) No agreement, whether heretofore or hereafter entered into, shall have any force or effect in so far as it deprives any employee of any right, power, privilege or other benefit provided by this Act. 30

(2) No employer shall require an employee to return to him, nor shall he accept from an employee the whole or any part of any sum which he paid to that employee under the provisions of this Act. 35

Discrimination by employer prohibited.

9. No employer shall discharge or threaten to discharge or in any way discriminate against any employee for: 40

(a) testifying or consenting to testify in any investigation or proceeding relative to the enforcement of this Act, or

(b) giving any information to the Minister or his duly authorized representative regarding any matter governed by this Act. 45

Posting of
abstracts.

10. Every employer shall post and keep posted in a conspicuous position in the place or places where his employees are employed so that the same may readily be seen and read by all employees any abstract or abstracts of this Act as may be prescribed by the Minister.

5

Records.

11. (1) Every employer shall at all times keep readily available for inspection by the Minister or his duly authorized representative in each place of employment operated by him in the province or at such other place or places as are approved by the Minister, true, correct and up to date records showing in respect of each employee employed in or from the place of employment during the preceding two years:

- (a) the name and residential address;
- (b) total wages paid for each week or other pay period;
- (c) the hours at which the time he was required or permitted to work or to be at the disposal of the employer began and ended in each day and the hours at which any interval or intervals for meals allowed in each day began and ended;
- (d) the total number of hours worked each day and each week;
- (e) each deduction made from wages for any purpose whatever and the purpose for which each deduction was made.

(2) The records required under this section: 25

- (a) shall be maintained by the employer for a period of not less than twenty-four months from the date the record was made; and,
- (b) may be incorporated in any wage record which the employer is required to keep under any other Act of Parliament provided that the Minister may require that the records of any employer be kept in such form as he may prescribe whereupon such records shall be kept in the prescribed form. 30

Power to
enter
premises,
inspect
records and
obtain infor-
mation.

12. (1) The minister or his duly authorized representative may at any reasonable time: 35

- (a) enter the premises of any employer and any premises where he has reasonable cause to believe that any employee is employed therein at the time of entry;
- (b) inspect or take extracts from any books, documents, statements, payrolls, papers or other records of an employer which in any way relate to wages to which any employee is entitled, or which he has been paid;
- (c) require any employer to verify, within a specified time, the entries in his records by statutory declaration or in such other manner as the Minister or his duly authorized representative may require; and 45

(d) require any person to furnish, within a specified time, in a form acceptable to the Minister or his duly authorized representative, such information as the Minister or his duly authorized representative deems necessary to ascertain whether the provisions of this Act are being or have been complied with. 5

(2) Any person authorized pursuant to subsection (1) may administer all oaths and take all affidavits and statutory declarations required by him under the provisions of that subsection. 10

Money paid under Act deemed to be salary or wages.

13. All money paid by an employer to an employee under this Act and any money ordered to be paid by an employer under subsection (2) of section 15 shall be deemed to be salary or wages earned by the employee, and shall be subject accordingly to all deductions which the employer is required to make from salary or wages under any Act of Parliament. 15

Time limit for prosecutions.

14. Prosecutions for offences created by this Act shall be instituted within one year after the commission of the alleged offence. 20

Penalties.

15. (1) Every person who:
 (a) fails to comply with any of the provisions of this Act; or
 (b) with intent to deceive, makes any false or misleading statement in any communication, whether in writing or otherwise, to the Minister or his duly authorized representative; or
 (c) interferes with or obstructs the Minister or his duly authorized representative in the exercise of any power conferred upon him by this Act; 30
 is guilty of an offence and liable on summary conviction to a fine not exceeding two hundred dollars for the first offence and in default of payment to imprisonment for not more than thirty days, and for each subsequent offence, to a fine not exceeding four hundred dollars and in default of 35 payment to imprisonment for not more than ninety days.

(2) If an employer is convicted of failure to pay to any employee any wages which he is required to pay under the provisions of this Act, the Court shall, in addition to the fine imposed, order the employer to pay to it forthwith an amount equivalent to that which the employer failed to pay to the employee and the court shall pay the said amount to the employee forthwith upon receipt of it. 40

(3) If the employer fails to pay any money ordered to be paid under subsection (2), the court may order that the employer be imprisoned for a further term of not less than 45 thirty days nor more than ninety days.

Power of representative of Minister to determine amount of wages not paid.

16. (1) If a duly authorized representative of the Minister finds that an employer has failed to pay to any employee any wages which the employer is required to pay under the provisions of this Act, the representative may determine the amount which the employer failed to pay to the employee and if the amount is agreed to in writing by the employer and the employee, the employer shall within two days, pay it to the Deputy Minister who shall pay it to the employee forthwith upon receipt of it. 5

(2) An employer who pays such amount to the Deputy Minister as required by subsection (1) shall not be liable to prosecution for failure to pay to the employee concerned any wages required to be paid under the provisions of this Act. 10

Records of Deputy Minister.

17. (1) The Deputy Minister shall keep a record of all money paid to him by employers and paid by him to employers under section 16. 15

(2) Where money received by the Deputy Minister on behalf of an employee has not been paid to the employee concerned by reason of the fact that the Deputy Minister has been unable to ascertain the whereabouts of the employee, and the employee does not claim it within a period of two years from the date of receipt thereof by the Deputy Minister, such money shall, upon the order of the Deputy Minister, become the property of the Crown in right of Canada. 25

Regulations

18. (1) The Governor in Council may make such regulations, not inconsistent with this Act, as are necessary to carry out the provisions of this Act according to their true intent. 30

(2) All regulations shall take effect upon such date as may be designated in the regulations, and shall have the same force and effect as if herein enacted.

Coming into force.

19. This Act shall come into force on the 1st day of September, 1960. 35

C-27.

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-27.

An Act to amend the Penitentiary Act.

First reading, January 18, 1960.

Mr. HOWARD.

3rd Session, 24th Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-27.

An Act to amend the Penitentiary Act.

R.S., c. 206;
1952-53, c. 53,
s. 54; 1958,
c. 39.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Subsection (4) of section 66 of the *Penitentiary Act* is repealed and the following substituted therefor: 5

Sleeping
arrangement.

“(4) He shall be kept in a cell by himself at night except in case of sickness and except also that he may be kept in a dormitory with other convicts at night in accordance with rules and regulations made under section 7 or in accordance with written instructions given under section 31.” 10

EXPLANATORY NOTES.

The present section 66 reads as follows:

- "66. (1) Every convict shall, during the term of his confinement, be clothed, at the expense of the penitentiary, in suitable prison garments.
(2) He shall be supplied with a sufficient quantity of wholesome food.
(3) He shall be provided with a bed and sufficient covering varied according to the season.
(4) He shall, except in case of sickness, be kept in a cell by himself at night."

Under the provisions of the *Penitentiary Act*, the Minister of Justice has the control and management of all penitentiaries and all prisoners and inmates (section 3). The Commissioner of Penitentiaries also has such control and management under the direction of the Minister (section 5(1)). The warden of each penitentiary has executive control and management of his penitentiary (section 31) subject to rules made by the Commissioner and confirmed by the Minister under section 7 and subject to written instructions given by the Commissioner (section 31).

The present subsection (4) is mandatory upon the Minister, the Commissioner and the Warden and requires these authorities to confine a convict by himself at night.

The authorities are thereby restricted in their freedom of discipline and administration.

The purpose of the proposed amendment is to give the Minister and the Commissioner power to relax the law in proper cases and thus authorize the warden to keep selected groups of convicts together in dormitories at night.

C-28.

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-28.

An Act respecting the Sovereignty of Canada.

First reading, January 18, 1960.

Mr. ALLARD.

THE HOUSE OF COMMONS OF CANADA.

BILL C-28.

An Act respecting the Sovereignty of Canada.

Preamble.

WHEREAS since the 11th of December, 1931 Canada is a sovereign nation, among the members of the Commonwealth of Nations, with them united by a common allegiance to the Crown, equal in status and in no way subordinate to the United Kingdom;

5

WHEREAS the Sovereignty of Canada should be made evident by the adoption of a distinctive National Flag, the designation of a distinctive National Anthem and the observance of a legal holiday on the 11th day of December in each and every year;

10

Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short title.

1. This Act may be cited as the *National Sovereignty Act*.

Canada a sovereign nation.

2. Canada is hereby declared to be a sovereign nation. 15

A distinctive national flag.

3. It shall be the duty of the Canada Council to prepare or have prepared, after competition or otherwise, a design for a suitable distinctive national flag free of the emblem or emblems of any other country and to submit the same to the Senate and the House of Commons of Canada within one year of the coming into force of this Act. 20

Approval and issuance of Royal Proclamation.

4. Notwithstanding any royal prerogative and anything contained in any Act of the Parliament of the United Kingdom such design for a national flag, after it has been approved by a joint resolution of the Senate and House of Commons, shall be submitted for approval to Her Majesty the Queen and for the issuance of a Royal Proclamation under the Great Seal of Canada respecting such ensign, armorial flags and banners as Her Majesty shall be pleased to appoint. 25
30

EXPLANATORY NOTE.

The healthy instinct of independence of a nation is anchored in the hearts of its people. Although certain historical traditions may, for a time, restrict that instinct it cannot be expected that it will be dormant eternally.

Any nation with pride in its achievements in peace and war and conscious of its own sovereignty will insist that its status be recognized by other independent nations.

A distinctive national flag, a distinctive national anthem and a national independence day constitute external signs of sovereignty and it is the purpose of this Bill to provide these attributes for our country: Canada.

A distinctive National Anthem.

5. It shall be the duty of the Canada Council to select after competition a distinctive National Anthem for Canada and to submit the same to the Senate and House of Commons of Canada within one year from the coming into force of this Act.

5

Approval.

6. The anthem mentioned in the previous section shall become the National Anthem for Canada after it has been approved by a joint resolution of the Senate and House of Commons of Canada.

Canadian Independence Day.

7. Throughout Canada, in each and every year, the eleventh day of December (not being a Sunday), being the anniversary of the day the Statute of Westminster, 1931 was assented to, shall be a legal holiday and shall be kept and observed as such, under the name of Canadian Independence Day.

15

When 11th of December is a Sunday.

8. When the eleventh day of December is a Sunday, the twelfth day of December shall be, in lieu thereof, throughout Canada, a legal holiday, and shall be kept and observed as such under the same name.

C-29.

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-29.

An Act to amend the Railway Act.

First reading, January 18, 1960.

Mr. BROWNE.
(Vancouver-Kingsway)

3rd Session, 24th Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-29.

An Act to amend the Railway Act.

R.S., c. 234;
1955, cc. 41,
55; 1958, c. 40.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Section three hundred and thirty-four of the *Railway Act* is amended, by adding immediately after subsection two, the following subsection: 5

Application
to the
Board.

“(3) If an association or other body representative of the motor vehicle operators of Canada or of a province thereof considers that a competitive rate has subjected the said operators to an undue, or unreasonable prejudice or disadvantage, the said association or other body may apply to the Board for an order disallowing the rate, and the application shall, on the request of any party to the application, be heard and determined in open court.” 10

THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTES.

The purpose of this amendment is to provide that representatives of the trucking industry shall have the right to make application to the Board of Transport Commissioners for the disallowance of a competitive rate when they consider that such rate has subjected motor vehicle operators to an undue or unreasonable prejudice or disadvantage.

Section 334 at present reads as follows:

" 334. (1) The Board may provide that any competitive rate may be acted upon and put into operation immediately upon the issue thereof before it is filed with the Board, or allow any such rate to go into effect as the Board shall appoint.

(2) The Board may require a company issuing a competitive rate tariff to furnish at the time of filing the tariff, or at any time, any information required by the Board to establish that

- (a) the competition exists;
- (b) the rates are compensatory; and
- (c) the rates are not lower than necessary to meet the competition;

and such information, if the Board in any case deems it practicable and desirable, shall include all or any of the following:

- (i) the name of the competing carrier or carriers,
- (ii) the route over which competing carriers operate,
- (iii) the rates charged by the competing carriers, with proof of such rates as far as ascertainable,
- (iv) the tonnage normally carried by the railway between the points of origin and destination,
- (v) the estimated amount of tonnage that is diverted from the railway or that will be diverted if the rate is not made effective,
- (vi) the extent to which the net revenue of the company will be improved by the proposed changes,
- (vii) the revenue per ton-mile and per car-mile at the proposed rate and the corresponding averages of the company's system or region in which the traffic is to move, and
- (viii) any other information required by the Board regarding the proposed movement."

C-30.

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-30.

An Act to amend the Immigration Act
(Jurisdiction of Courts).

First reading, January 18, 1960.

Mr. Crestohl.

THE HOUSE OF COMMONS OF CANADA

3rd Session, 24th Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-30.

An Act to amend the Immigration Act
(Jurisdiction of Courts).

R.S., c. 325.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Section 39 of the *Immigration Act* is repealed and the following substituted therefor: 5

“39. Everyone against whom an Order of Deportation or an Order for Detention has been made by an Immigration Appeal Board, the Minister, Deputy Minister, Director, Special Inquiry Officer, or any other Immigration Official, shall have the right to appeal within 30 days from the date the Order has been personally served on the said person. Such appeal may be made by a prerogative writ, or other appropriate proceeding before a Superior Court or any other Court having jurisdiction in the District in which the person is domiciled or if such person has no Canadian domicile, then where he resides, provided, however, the Appellant deposits with the appropriate official of the Court the sum of \$300.00 as security for costs. Such Appellant shall have the right to further appeals from the decision of such Courts, to all other Courts having appellate jurisdiction, provided that further security for costs is deposited within the delays and in accordance with the requirements of such Courts. Any Order issued by the Department shall immediately be stayed and not executed in any manner until all the delays to appeal have expired.” 25

108-3

THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTES.

The purpose of this Bill is to provide a much needed Bill of Rights by means of appeal for persons who under the present *Immigration Act* are denied the benefits of appeal and the Rule of Law to have their day in court.

The section to be repealed at present reads as follows:

"39. No court and no judge or officer thereof has jurisdiction to review, quash, reverse, restrain or otherwise interfere with any proceeding, decision or order of the Minister, Deputy Minister, Director, Immigration Appeal Board, Special Inquiry Officer or immigration officer had, made or given under the authority and in accordance with the provisions of this Act relating to the detention or deportation of any person, upon any ground whatsoever, unless such person is a Canadian citizen or has Canadian domicile."

C-31.

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-31.

An Act to amend the Old Age
Security Act.

First reading, January 19, 1960.

Mr. McPHILLIPS.

3rd Session, 24th Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-31.

An Act to amend the Old Age
Security Act.

R.S., c. 200;
1957-58, c. 3.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1957-58, c. 3.

1. Subsection (1) of section 5 of the *Old Age Security Act* is repealed and the following substituted therefor: 5

Suspension
of pension.

"5. (1) Where a pensioner, who is not a Canadian citizen, absents himself from Canada for a period in excess of one month, payment of his pension shall be suspended immediately following the payment for the month in which he so absents himself, but may be resumed when the pensioner 10 returns; and where the pensioner returns to Canada within six months from the last day of the first month in which he so absented himself from Canada, the pension upon being resumed may also be paid for the period during which he so absented himself, but not exceeding a total of six months in 15 any calendar year."

Third Session, Tenth Parliament, 1st December 1951

THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTE.

The only change suggested in subsection (1) of section 5 is the insertion therein of the words underlined on the opposite page so that the suspension of pension would not apply to a pensioner who is a Canadian citizen.

and that in respect of individuals living in the
Prairie Provinces.

First reading, January 24, 1951.

The Minister of Finance and Commerce

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-32.

An Act to authorize Provisional Payments for the 1959-60 crop year in respect of Unthreshed Grain in the Prairie Provinces.

First reading, January 19, 1960.

THE MINISTER OF TRADE AND COMMERCE.

THE HOUSE OF COMMONS OF CANADA.

BILL C-32.

An Act to authorize Provisional Payments for the 1959-60 crop year in respect of Unthreshed Grain in the Prairie Provinces.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

Short title. **1.** This Act may be cited as the *Prairie Grain Provisional Payments Act*. 5

INTERPRETATION.

- Definitions. "Amount in default." **2.** (1) In this Act,
(a) "amount in default" means the amount of a provisional payment made pursuant to an undertaking, minus all amounts that up to the time of default were paid to the Board in discharge of the under- 10 taking;
- "Application." (b) "application" means an application made by a producer under this Act for a provisional payment;
- "Board." (c) "Board" means The Canadian Wheat Board;
- "Default." (d) "default" means failure, as described in section 11, 15 to comply with an undertaking;
- "Grain." (e) "grain" means wheat, oats or barley that was grown within the designated area, as defined in the *Canadian Wheat Board Act*;
- "Initial payment." (f) "initial payment" means the sum certain per bushel 20 payable under the *Canadian Wheat Board Act* by the Board to a producer for grain sold and delivered by him to the Board;

(a) "provisional payment" means a payment made by the Board pursuant to the Canadian Wheat Board Act for a crop year;

(b) "prescribed" means prescribed by regulation;

(c) "producer" includes as well as an actual producer any person entitled as landlord, tenant or mortgagee to the grain grown by an actual producer or to any share therein;

(d) "provisional payment" means a payment in respect of unthreshed grain made to a producer under the authority of this Act;

(e) "recipient" means a producer to whom a provisional payment has been made;

(f) "unthreshed grain" means unthreshed grain given by a producer in the crop year that began

EXPLANATORY NOTE.

The purpose of this Bill is to authorize The Canadian Wheat Board to make payments for the 1959-60 crop year in respect of future deliveries of unthreshed grain.

All words and expressions in this Act have the same meanings as they have in the Canadian Wheat Board Act.

ARTICLE 1.

Authority to make Provisional Payments.

1. (1) Subject to this Act, the Board may upon application make a payment to a producer in respect of unthreshed grain.

(2) Notwithstanding the Canada Grain Act, the manager or operator of an elevator or other person authorized by the Board to make provisional payments on its behalf may make such payments by means of cash purchase tickets.

(3) Provisional payments shall be made to a producer unless the application therefor is made in prescribed form before the last day of May 1960 and is approved by the manager or operator of an elevator or other person authorized by the Board to make provisional payments on its behalf.

(4) The person who has received a provisional payment is entitled to receive another provisional payment.

(5) The person who has received an advance payment under the Canada Grain Act in respect of unthreshed grain is entitled to receive a provisional payment under this Act.

"Permit book."	(g) "permit book" means a delivery permit issued by the Board pursuant to the <i>Canadian Wheat Board Act</i> for a crop year;	
"Prescribed."	(h) "prescribed" means prescribed by regulation;	
"Producer."	(i) "producer" includes, as well as an actual producer, any person entitled as landlord, vendor or mortgagee, to the grain grown by an actual producer or to any share therein;	5
"Provisional payment."	(j) "provisional payment" means a payment in respect of unthreshed grain made to a producer under the authority of this Act;	10
"Recipient."	(k) "recipient" means a producer to whom a provisional payment has been made;	
"Undertaking."	(l) "undertaking" means an undertaking given by a producer under section 4; and	15
"1959-60 crop year."	(m) "1959-60 crop year" means the crop year that began on the 1st day of August, 1959.	
Construction with <i>Canadian Wheat Board Act</i> .	(2) This Act shall be construed as one with the <i>Canadian Wheat Board Act</i> , and, unless a contrary intention appears, all words and expressions in this Act have the same meanings as they have in the <i>Canadian Wheat Board Act</i> .	20

ADVANCES.

Authority to make Provisional Payments.

Payments authorized.	<p>3. (1) Subject to this Act, the Board may upon application therefor make a payment to a producer in respect of unthreshed grain.</p>	
By cash purchase tickets.	(2) Notwithstanding the <i>Canada Grain Act</i> , the manager or operator of an elevator or other person authorized by the Board to make provisional payments on its behalf may make such payments by means of cash purchase tickets.	25
Application for.	(3) No provisional payment shall be made to a producer unless the application therefor is made in prescribed form before the 1st day of May, 1960, and is approved by the manager or operator of an elevator or other person authorized by the Board to make provisional payments on its behalf.	30
One payment to any person.	(4) No person who has received a provisional payment is entitled to receive another provisional payment.	35
No payment if in default under <i>Prairie Grain Advance Payments Act</i> .	(5) No person who has received an advance payment under the <i>Prairie Grain Advance Payments Act</i> in respect of which he is in default under that Act is entitled to receive a provisional payment under this Act.	40

Undertaking.

Producer to execute undertaking.

4. (1) Before a provisional payment is made to a producer he shall execute an undertaking in prescribed form in favour of the Board to the effect that

- (a) he will, before the 1st day of June, 1960, thresh the grain in respect of which the payment is made and as soon as any quota or other permission given by the Board enables him to do so, he will, in addition to any deliveries described in subsection (2) of section 9, deliver grain to the Board until one-half of the initial payment therefor is equal to the payment made to him, and
- (b) upon default, he will repay to the Board the amount in default, without interest prior to default but with interest at six per cent per annum after default.

Discharge of undertaking by payment.

(2) Notwithstanding subsection (1), a producer may at any time prior to default discharge his obligation to deliver grain to the Board or any part thereof by payment to the Board.

Joint Producers.

Payment to joint producers.

5. (1) Where two or more producers are entitled to deliver grain under one permit book, no provisional payment shall be made unless all such producers named in the permit book jointly make the application and execute the undertaking, and the payment shall be made to all such producers jointly or as they direct in the application.

Application may specify shares.

(2) An application by two or more producers may specify the shares of the provisional payment to be paid to each.

Repayment of share.

(3) Where an application by two or more joint producers specifies the share of the provisional payment to be paid to each such producer, and subsequently the undertaking is in default, a joint producer who pays to the Board an amount that is in the same proportion to the amount in default as his share of the provisional payment is to the total advance, together with interest thereon at the rate of six per cent per annum after default, is, notwithstanding anything in this Act, relieved of his obligation to make any further payment to the Board in respect of the default.

Amount of Provisional Payment.

Amount of payment.

6. (1) Subject to this section, the amount of a provisional payment to a producer shall be one-half of the unthreshed grain, irrespective of its grade, that the applicant has and undertakes to deliver to the Board, multiplied by

- (a) fifty cents per bushel in the case of wheat,
 (b) twenty cents per bushel in the case of oats, and
 (c) thirty-five cents per bushel in the case of barley.
- Limitation. (2) The quantity of unthreshed grain in respect of which a provisional payment may be made to a producer shall not exceed the quantity of grain that would be deliverable under the applicant's permit book for the 1959-60 crop year on a quota of six bushels per specified acre, minus the total of 5
- (a) the quantity of grain delivered by him to the Board prior to his application and during the 1959-60 crop year, and 10
 (b) any threshed grain that the applicant has in storage otherwise than in an elevator.
- Maximum. (3) A provisional payment to a producer shall not exceed fifteen hundred dollars. 15
- Maximum aggregate. (4) The aggregate of a provisional payment to a producer and the advance payments made to him in respect of the 1959-60 crop year under the *Prairie Grain Advance Payments Act* shall not exceed three thousand dollars. 20

Endorsement in Permit Book.

- Permit book to be endorsed. 7. At the time a provisional payment is made to a producer he shall deliver to the person who approves of his application on behalf of the Board his permit book and an endorsement shall be made therein in prescribed form to the effect that one-half of the initial payment for all grain delivered under that permit book shall be deducted and paid to the Board until the producer has discharged his undertaking. 25

Powers of Board.

- Borrowing powers of Board. 8. (1) For the purpose of making provisional payments the Board may borrow money, and the Minister of Finance may, on behalf of Her Majesty, guarantee, on such terms and conditions as the Governor in Council may approve, repayment of money so borrowed and interest thereon. 30
- Board may make arrangements. (2) The Board may make such arrangements and enter into such contracts or agreements as the Board considers necessary or advisable for the administration of this Act. 35

DELIVERIES OF GRAIN.

- Deductions on deliveries. 9. (1) Where a delivery of grain is made under a permit book bearing an endorsement under section 7 by any producer named in the permit book, the manager or operator of an elevator or other person receiving delivery of the 40

grain for the Board shall deduct and pay to the Board, in priority to all other persons, one-half of the initial payment for that grain until the undertaking in respect of which the endorsement was made has been discharged, and shall make an appropriate entry of the deduction in the permit book. 5

No deduction for seed grain deliveries.

(2) Notwithstanding subsection (1), no deduction shall be made in respect of grain delivered by a producer under any permission given by the Board authorizing delivery of grain in order to obtain seed. 10

Right of Board to recover.

(3) The Board may recover any of the moneys to which it is entitled under subsection (1) by action or proceedings against the person receiving delivery of the grain as if the grain were delivered and sold on behalf of the Board, and any such moneys received by the Board shall be deemed to be a payment to the Board on account of the provisional payment. 15

Where permit book endorsed under *Prairie Grain Advance Payments Act*.

(4) Where the permit book of a recipient for the 1959-60 crop year bears an endorsement under this Act and an endorsement under the *Prairie Grain Advance Payments Act*, a deduction in respect of grain delivered under the permit book shall not be made under such last-mentioned Act, and the Board shall apply moneys that it receives in respect of those endorsements in discharge of the undertakings represented by those endorsements in the order in which they were given. 20 25

Cancellation of endorsement.

(5) When the recipient of a provisional payment has discharged his undertaking, the Board shall cancel the endorsement in his permit book by an appropriate entry therein. 30

Continuation of endorsement.

10. Notwithstanding any other Act or law, where the permit book of the recipient has been endorsed as required by section 7, he is not, until he has discharged his undertaking, entitled to receive or use another permit book for the same or any subsequent crop year unless an endorsement to the same effect is made therein. 35

DEFAULT IN UNDERTAKING.

Default defined.

11. (1) For the purposes of this Act, a recipient shall be deemed to be in default if his undertaking has not been discharged

(a) within ten days after the date on which the Board mails or delivers or causes to be mailed or delivered a written notice to him stating that he has, in the opinion of the Board, had adequate opportunity to 40

discharge his undertaking or has, otherwise than by delivery to the Board, disposed of all or part of the grain in respect of which the provisional payment was made, and requesting him to discharge his undertaking by delivery of grain to the Board or otherwise;

(b) before the 15th day of September in the new crop year next following the 1959-60 crop year and he has not applied for a permit book for such new crop year in substitution for his permit book for the 1959-60 crop year; or

(c) before the 31st day of December, 1960, or such later date as the Board may authorize in special cases.

Waiver of default.

(2) The Board may for any cause it deems sufficient waive any default for a specified period, and where a default is waived it shall, for the purposes of this Act, be deemed to have occurred at the expiration of such period.

Proceedings after default.

12. Where a producer is in default, all proceedings against him to enforce his undertaking may be taken in the name of the Board or in the name of Her Majesty.

Reimbursement of Board out of C.R.F.

13. As soon as practicable after receiving requests therefor from the Board, the Minister of Finance shall out of the Consolidated Revenue Fund pay to the Board

(a) interest charges paid or payable by the Board with respect to money borrowed by it or paid on its behalf for the purposes of this Act, and

(b) amounts of provisional payments outstanding at the time of default, to the extent that the Board has not been reimbursed therefor after default.

Recovery after default from other moneys payable.

14. (1) Where a recipient has defaulted in his undertaking, the Board may, in addition to any other right or remedy under this Act, and notwithstanding the *Canadian Wheat Board Act*, withhold, out of the moneys that may at any time thereafter (other than at the time of the sale of grain by the recipient) become payable by the Board to such recipient, until the amount in default, together with interest at six per cent per annum from the time of default, has been discharged.

Application of moneys received.

(2) An amount withheld by the Board under subsection (1) shall be credited to the recipient in reduction of the amount in default and is a discharge of the liability of the Board under the *Canadian Wheat Board Act* to pay him that amount.

Return of
money
recovered.

15. Where the Board has received payment from the Minister of Finance in respect of an amount in default, and subsequently all or any part of the amount in default is recovered, the amount recovered shall be paid to the Minister of Finance, and the Minister of Finance may pay to the Board such portion thereof as is required to enable the Board to reimburse any manager or operator of an elevator or other person authorized by the Board to make provisional payments on its behalf for any share of the loss sustained by him by reason of the default.

5
10

GENERAL.

Expenditures
of the Board.

16. (1) All expenditures made by the Board in the administration of this Act, other than those reimbursed to the Board by the Minister of Finance under section 13, shall be deemed to be expenses of the Board within the meaning of section 26 of the *Canadian Wheat Board Act*.

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Payment out
of separate
account.

(2) The Governor in Council may, by order, direct that the expenditures referred to in subsection (1) or such portion of them as he deems advisable shall be paid out of the separate account referred to in section 29A of the *Canadian Wheat Board Act*.

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Offence and
penalty.

17. (1) Every person who,
(a) knowingly makes any misrepresentation in any application, or, for the purpose of obtaining a provisional payment or evading compliance with his undertaking, wilfully furnishes to the Board any false or misleading information, or
(b) being a recipient whose undertaking has not been discharged, delivers grain, or causes any other person to deliver grain on his behalf, under a permit book that has not been endorsed as required by this Act,
is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding six months, or to both fine and imprisonment.

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30

Time limit.

(2) A prosecution under subsection (1) may be instituted at any time within two years from the time when the subject-matter of the complaint arose.

35

Regulations.

18. The Governor in Council may make regulations
(a) prescribing the forms of applications, directions, endorsements, reports or other documents to be used in connection with provisional payments or for the effective operation of this Act;

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- (b) prescribing the steps to be taken to effect collection of any amount in default in connection with provisional payments;
- (c) requiring reports to be made to or by the Board in connection with provisional payments; and 5
- (d) prescribing anything that is to be prescribed under this Act and, generally, for carrying the purposes and provisions of this Act into effect.

Annual
report.

19. The Board shall include in the annual report required to be made by it under the *Canadian Wheat Board Act* a report on the operation and administration of this Act for the calendar year immediately preceding the date on which the annual report is made, or for such other period as the Governor in Council prescribes. 10

Levy under
*Prairie Farm
Assistance
Act.*

20. Notwithstanding section 11 of the *Prairie Farm Assistance Act*, no levy under that Act shall be deducted from a provisional payment, but for the purposes of that Act there shall be deducted from that portion of the initial payment payable to the recipient at the time of sale and delivery of grain to the Board a levy of two per cent of that portion of the initial payment until the recipient has discharged his undertaking under this Act. 15 20

Coming into Force.

Commence-
ment.

21. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council. 25

C-33.

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-33.

An Act to amend the Canada Elections Act
(Voting at Advance Polls.)

First reading, January 20, 1960.

MR. FISHER.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

THE HOUSE OF COMMONS OF CANADA.

BILL C-33.

An Act to amend the Canada Elections Act
(Voting at Advance Polls.)

R.S., cc. 23,
306, 334, ss.
8, 9; 1952-53,
c. 24, s. 7;
1955, c. 44.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Repeal.

1. (1) Subsections (4) and (12) of section 2 of the *Canada Elections Act*, are repealed. 5

(2) Subsection (27) of section 2 of the said Act is repealed and the following substituted therefor:

"Polling day", "day of polling" or "ordinary polling day".

"(27) "polling day", "day of polling" or "ordinary polling day" means the day provided by section 21 for holding the poll at an election;" 10

Rules amended.

2. *Rules (40) and (41)* of Schedule A to section 17 of the said Act are repealed and the following substituted therefor:

"*Rule (40)*. The revising officer shall, immediately after the conclusion of his sittings for revision, prepare from his record sheets, for each polling division comprised in his revisal district, five copies of the statement of changes and additions for each candidate officially nominated at the pending election in the electoral district and three copies for the returning officer, and shall complete the certificate printed at the foot of each copy thereof; if no changes or additions have been made in the preliminary list for any polling division, the revising officer shall nevertheless prepare the necessary number of copies of the statement of changes and additions by writing the word "Nil" in the three spaces provided for the various entries on the prescribed form and by completing the said form in every other respect. 15 20 25

EXPLANATORY NOTES.

The privilege of voting at an advance poll is now restricted to a limited number of voters, namely commercial travellers, fishermen, persons employed upon railways, vessels, airships, etc., members of the reserve forces, the R.C.M.P. etc.

The purpose of the suggested amendments to the *Canada Elections Act* is to extend this privilege to all electors who believe that they will for any reason be absent from their polling divisions on the ordinary polling day.

1. Subsections (4) and (12) of section 2 at present read as follows:

“(4) ‘commercial traveller’ means a person employed on salary or on commission by a manufacturer or wholesale merchant to travel from place to place selling goods to or taking orders for goods from, jobbers and retailers;”

“(12) ‘fishermen’ means all persons who are engaged or employed on inland, coastal, or deep-sea waters, on salary or wages, or on shares in association with others, or on their own behalf, in the process of fishing as an industry, including sealing and whaling;”

Subsection (27) at present reads as follows:

“(27) ‘polling day’ or ‘day of polling’ means the day fixed as provided by section 21 for holding the poll at an election;”

These are consequential amendments.

2. Rules (40) and (41) of Schedule A to section 17 at present read as follows:

“Rule (40). The revising officer shall, immediately after the conclusion of his sittings for revision, prepare from his record sheets, for each polling division comprised in his revisal district, five copies of the statement of changes and additions for each candidate officially nominated at the pending election in the electoral district and two copies for the returning officer, and shall complete the certificate printed at the foot of each copy thereof; if no changes or additions have been made in the preliminary list for any polling division, the revising officer shall nevertheless prepare the necessary number of copies of the statement of changes and additions by writing the word “Nil” in the three spaces provided for the various entries on the prescribed form, and by completing the said form in every other respect.

Rule (41). Upon the completion of the foregoing requirements, and not later than Wednesday, the twelfth day before polling day, the revising officer shall deliver or transmit to each candidate officially nominated at the pending election in the electoral district the five copies, and to the returning officer the three copies, of the statement of changes and additions for each polling division comprised in his revisal district, certified by the revising officer pursuant to Rule (40); in addition he shall deliver or transmit to the returning officer the record sheets, duly completed, the duplicate notices to persons objected to, with attached affidavits, in Forms Nos. 15 and 16, respectively, every used application made by agents in Forms Nos. 17 and 18, respectively, and all other documents in his possession relating to the revision of the lists of electors for the various polling divisions comprised in his revisal district.”

3. Subsection (3) of section 21 of the said Act is repealed and the following substituted therefor:

Nomination day. “(3) The day for the close of nominations (in this Act referred to as nomination day) in the electoral districts specified in Schedule Four shall be Monday, the twenty-eighth day before polling day, and in all other electoral districts shall be Monday, the twenty-first day before polling day.”

4. Sections 94 to 98 of the said Act are repealed and the following substituted therefor:

Establishment of advance polls. “**94.** (1) Every returning officer shall, when so instructed by the Chief Electoral Officer, establish one or more advance polling districts in his electoral district, and each advance polling district shall consist of such number of polling divisions as may be approved by the Chief Electoral Officer in each case.

Establishment of advance polling stations. (2) One advance polling station shall be established in each advance polling district.

Advance polls conducted as ordinary polls. (3) Except as provided in this section and in sections 96 to 98, advance polls shall be held, conducted and officered in the same manner as ordinary polling stations, and shall be regarded as such for all purposes of this Act.

When advance polls to be open. (4) Advance polls shall be open between the hours of two and ten o'clock in the afternoons and evenings of Friday and Saturday, the tenth and ninth days preceding ordinary polling day, and shall not be open at any other time.

"Rule (41). Upon the completion of the foregoing requirements, and not later than *Thursday*, the *eleventh* day before polling day, the revising officer shall deliver or transmit to each candidate officially nominated at the pending election in the electoral district the five copies, and to the returning officer the *two* copies, of the statement of changes and additions for each polling division comprised in his revisal district, certified by the revising officer pursuant to Rule (40); in addition he shall deliver or transmit to the returning officer the record sheets, duly completed, the duplicate notices to persons objected to, with attached affidavits in Forms Nos. 15 and 16, respectively, every used application made by agents in Forms Nos. 17 and 18, respectively, and all other documents in his possession relating to the revision of the lists of electors for the various polling divisions comprised in his revisal district."

3. The words "twenty-first", underlined on the opposite page, are substituted for the word "fourteenth".

4. Sections 94 to 98 at present read as follows:—

"Advance Polls.

"94. (1) Subject as hereinafter provided, one or more advance polls shall be established in each of the places mentioned in Schedule Two for the purpose of taking the votes of such persons as are described in section 95 and whose names appear on the list of electors for any polling division of the electoral district in which such places are situated.

(2) Every such polling station shall be located so as to suit the convenience of that class of electors which, in the judgment of the returning officer, is most likely to resort in any considerable number thereto.

(3) The Chief Electoral Officer may from time to time amend Schedule Two by striking therefrom the name of any place or by adding thereto the name of any other place, and, so amended, such Schedule has effect as if incorporated into this Act; but he shall amend under the following circumstances only:

- (a) if a total of less than fifteen votes is cast at the advance poll held at such place, he shall after the election strike off the name of that place; or
- (b) if he is advised and believes that a total of fifteen votes will be cast in case an advance poll is established in any incorporated village, town or city having a population of five hundred or more as determined by the last census taken pursuant to sections 16 and 17 of the *Statistics Act*, he may add the name of such place.

(4) The Chief Electoral Officer shall give notice, under his hand, published in the *Canada Gazette*, of all amendments made to such Schedule, and he shall, at every election, furnish to every returning officer a copy of such Schedule as it then stands amended.

Notice in
Form No. 65.

(5) The returning officer shall, after nomination day and not later than Wednesday, the nineteenth day before the ordinary polling day,

(a) give a public notice in the electoral district of the advance poll, in Form No. 65, setting out

(i) the numbers of the polling divisions comprised in every advance polling district established by him,

(ii) the location of each advance polling station,

(iii) the place where the deputy returning officer of each advance polling station shall count the number of votes cast thereat, and

(iv) that the counting referred to in subparagraph (iii) shall take place at nine o'clock in the evening of the ordinary polling day;

(b) mail one copy of such notice to the various postmasters of the post offices situated within his electoral district, five copies to each candidate officially nominated at the election and two copies to the Chief Electoral Officer; and

(c) notify each postmaster in writing of the provisions of subsection (6) when he sends the notice.

To be
posted up.

(6) Upon receiving a notice described in subsection (5), a postmaster shall post it up in some conspicuous place in his post office to which the public has access and keep it so posted until the time fixed for the closing of the polls on the ordinary polling day has passed, and failure to do so is ground for his dismissal from office, and for the purpose of this provision the postmaster shall be deemed to be an election officer and liable as such.

Postmaster
election
officer.

Who may
vote at
advance polls.

"95. Any elector whose name appears on the list of electors prepared for a polling division comprised in an advance polling district who believes that he will for any reason be absent from and unable to vote in such polling division on the ordinary polling day at a pending election may vote at the advance polling station established in such district if, before casting his vote, he takes and subscribes to an affidavit for voting at an advance poll, in Form No. 66, before the deputy returning officer of such district.

Duties of
deputy
returning
officer
respecting
affidavits
for voting at
an advance
poll.

"96. (1) Upon being satisfied that a person who applies to vote at an advance polling station is a person whose name appears on the list of electors prepared for a polling division comprised in the advance polling district and who believes that he will, for any reason, be absent from and unable to vote in such polling division on the ordinary polling day, the deputy returning officer shall

(a) fill in the affidavit for voting at an advance poll, in Form No. 66, to be taken and subscribed to by the person so applying,

(5) In case the date of the writ for an election falls within sixty days after notice so given of any such amendment that amendment shall not be in force nor have any effect at such election.

(6) Except as provided in this section and in sections 96 and 97, all advance polls shall be held, conducted and officered in the same manner as and for all purposes of this Act be regarded as ordinary polling stations.

(7) Advance polls shall be open and shall only be open between the hours of two and ten o'clock in the afternoons and evenings of the Thursday, Friday and Saturday immediately preceding polling day.

(8) The returning officer shall, not later than twelve days before polling day, give public notice in the electoral district of the advance poll and of the location of each advance polling station and such notice shall be in Form No. 65; the returning officer shall mail one copy of such notice to the various postmasters of the post offices situated within his electoral district, five copies to each candidate officially nominated at the election and two copies to the Chief Electoral Officer; the returning officer shall at the same time notify in writing each postmaster of the provisions of subsection (9).

(9) Every postmaster shall, forthwith after receipt of a copy of the Notice of Holding of Advance Poll in Form No. 65, post it up in some conspicuous place in his post office to which the public has access and maintain it so posted up until the time fixed for the closing of the advance polls on the Saturday immediately preceding the ordinary polling day, and failure to do so is ground for his dismissal from office, and for the purpose of this provision such postmaster shall be deemed to be an election officer and liable as such.

"95. The privilege of voting at an advance poll shall extend and shall extend only

- (a) to such persons as are employed as commercial travellers as defined in subsection (4) of section 2, to such persons as are employed as fishermen as defined in subsection (12) of the said section, and to such persons as are employed upon railways, vessels, airships, or other means or modes of transportation (whether or not employed thereon by the owners or managers thereof), and to any of such persons only if, because of the nature of his said employment, and in the course thereof, he is necessarily absent from time to time from the place of his ordinary residence, and if he has reason to believe that he will be so absent on polling day at the pending election from, and that he is likely to be unable to vote on that day in, the polling division on the list for which his name appears; and
- (b) to such persons as are members of the reserve forces of the Canadian Forces or to such persons as are members of the Royal Canadian Mounted Police Force, and to any of such persons only if, on account of the performance of duties or training in such forces, he has reason to believe that he will be necessarily absent on the ordinary polling day at the pending election from, and that he is likely to be unable to vote on that day in, the polling division on the list of electors for which his name appears.

"96. (1) No person otherwise entitled to vote at an advance poll shall be permitted to do so unless

- (a) he produces to the deputy returning officer at the advance polling station an advance poll certificate, in Form No. 66, that he is the person to whom the privilege of voting at an advance poll extends, which certificate shall be signed by
 - (i) the returning officer,
 - (ii) the election clerk in the name of the returning officer and on his behalf, or
 - (iii) a person specially deputized by the returning officer, with the prior consent of the Chief Electoral Officer, to issue advance poll certificates, whose name and authority have been communicated by the returning officer to the deputy returning officer of such advance poll, and to each candidate officially nominated at the pending election; and

- (b) allow such person to take and subscribe to such affidavit before him,
- (c) complete the attestation clause on such affidavit,
- (d) consecutively number each such affidavit in the order in which it was taken and subscribed to, and 5
- (e) direct the poll clerk to keep a record, called the "Record of Completed Affidavits for Voting at an Advance Poll" on the form prescribed by the Chief Electoral Officer, of every such affidavit in the order in which it was taken and subscribed to. 10

Person who takes affidavit allowed to vote.

Exception.

No poll book kept, but notations to be made on affidavit.

Record of Completed Affidavits for Voting at an Advance poll.

Elector voting at advance poll not to vote on ordinary polling day.

Examining and sealing of ballot box.

(2) After a person who applies to vote at an advance polling station has taken and subscribed to the affidavit referred to in subsection (1), he shall be allowed to vote, unless an election officer or any agent of a candidate present at the advance poll desires that he take an oath, in Form No. 41, or, in the case of urban polling divisions, that he take and subscribe to an affidavit, in Form No. 42, and he refuses. 15

(3) There shall be no poll book supplied to or kept at an advance poll, but the poll clerk thereat shall under the direction of the deputy returning officer preserve each completed affidavit for voting at an advance poll, in Form No. 66, and mark thereon such notations as he would be required by this Act to mark opposite the elector's name in the poll book at an ordinary polling station. 20

(4) The poll clerk shall, immediately after an affidavit for voting at an advance poll, in Form No. 66, has been completed, enter in the Record of Completed Affidavits for Voting at an Advance Poll the name, occupation and address of the elector who completed the affidavit and the number of the polling division appearing in the affidavit. 25 30

(5) No elector who has taken and subscribed to an affidavit for voting at an advance poll, in Form No. 66, is entitled to vote on the ordinary polling day.

"97. (1) At the opening of an advance poll at two o'clock in the afternoon of the first day of voting, the deputy returning officer shall, in full view of such of the candidates or their agents or the electors representing candidates as are present, 35

(a) open the ballot box and ascertain that there are no ballot papers or other papers or material contained therein, 40

(b) lock and seal the ballot box with a special metal seal prescribed by the Chief Electoral Officer, and

(c) place the ballot box on a table in full view of all present and keep it so placed until the close of the advance poll on such day of voting. 45

(b) he signs in the presence of the deputy returning officer the statement of identification and declaration printed at the foot or end of Form No. 66.

(2) Such advance poll certificates shall be issued only on the personal application of the elector concerned and after the officer applied to has been satisfied that the applicant is a person to whom the privilege of voting at an advance poll extends.

(3) The returning officer or the election clerk, or any other person specially deputized by the returning officer, by whom any advance poll certificate is issued shall

- (a) fill in and sign such certificate and mention thereon the date of its issue,
- (b) see that such certificate has been duly signed by the applicant,
- (c) consecutively number every such certificate in the order of its issue,
- (d) keep a record of every such certificate in the order of its issue, on the form prescribed by the Chief Electoral Officer,
- (e) not issue any such certificate in blank, and
- (f) before the hour of the opening of the ordinary polls on polling day, send a copy of the advance poll certificate issued to the deputy returning officer for the polling station at which the person to whom such certificate has issued would in the ordinary course be entitled to vote.

(4) No person who has obtained an advance poll certificate is entitled to vote on the ordinary polling day except upon his producing such certificate and delivering the same up to the deputy returning officer at the ordinary polling station established for the polling division on the list for which his name appears.

(5) There shall be no list of electors nor poll book supplied to or kept at an advance poll, but the poll clerk thereat shall assist the deputy returning officer as required, preserving each certificate deposited and marking thereon such notations as, if there were a poll book, he would be required by this Act to mark opposite the elector's name in the poll book.

(6) An elector who is by this section authorized to vote at an advance poll may vote at any advance poll within the electoral district in which he is qualified to vote; no deputy returning officer shall permit any person to vote at an advance poll upon any certificate in Form No. 66 issued by the returning officer or any other officer of another electoral district.

"97. (1) At the opening of the advance poll, at two o'clock in the afternoon of the first day of voting, the deputy returning officer shall, in full view of such of the candidates or their agents or the electors representing candidates as are present, open the ballot box and ascertain that there are no ballot papers or other papers or material enclosed therein, after which the ballot box shall be locked and sealed with one of the special metal seals prescribed by the Chief Electoral Officer for the use of deputy returning officers; the ballot box shall then be placed on a table in full view of all present and shall be maintained so placed until the close of the advance poll on such day of voting.

Re-opening of
advance poll.

(2) At the re-opening of the advance poll at two o'clock in the afternoon of the second day of voting, the deputy returning officer shall, in full view of such of the candidates or their agents or the electors representing candidates as are present,

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(a) unseal and open the ballot box, leaving the special envelope or envelopes containing the ballot papers spoiled or cast on the first day of voting unopened in the ballot box,

(b) take out and open the special envelope containing the unused ballot papers and the completed affidavits for voting at an advance poll, in Form No. 66, and

(c) lock and seal the ballot box and place it upon the table, as prescribed in subsection (1).

Proceedings
at close of
advance poll
each day of
voting.

(3) At the close of the advance poll at ten o'clock in the evening of each of the two days of voting, the deputy returning officer shall, in full view of such of the candidates or their agents or the electors representing candidates as are present,

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(a) unseal and open the ballot box;

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(b) empty the ballot papers cast during the same day of voting, in such manner as not to disclose for whom any elector has voted, into a special envelope supplied for that purpose, seal such envelope with a gummed paper seal prescribed by the Chief Electoral Officer and indicate on such envelope the number of such ballot papers;

(c) count the spoiled ballot papers, if any, place them in the special envelope supplied for that purpose, seal such envelope and indicate on such envelope the number of such spoiled ballot papers; and

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(d) count the unused ballot papers and the completed affidavits for voting at an advance poll, in Form No. 66, and place them in the special envelope supplied for that purpose, seal such envelope with a gummed paper seal prescribed by the Chief Electoral Officer and indicate on such envelope the number of such unused ballot papers and completed affidavits;

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Affixing of
signatures
and special
metal seals.

the deputy returning officer and the poll clerk shall, and such of the candidates or their agents or the electors representing candidates as are present may, affix their signatures on the gummed paper seals affixed to the above mentioned special envelopes before such envelopes are placed in the ballot box; the deputy returning officer shall then lock and seal the ballot box, as prescribed in subsection (1).

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(2) At the re-opening of the advance poll, at two o'clock in the afternoon of the second and third days of voting, the ballot box shall be unsealed and opened by the deputy returning officer in full view of such of the candidates or their agents or the electors representing candidates as are present, and the special envelope containing the unused ballot papers shall be taken out and opened; the special envelope or envelopes containing the ballot papers cast on the preceding day or days of voting shall, unopened, remain in the ballot box; the ballot box shall then be locked and sealed, and placed upon the table, as prescribed in subsection (1).

(3) At the close of the advance poll, at ten o'clock in the evening of each of the three days of voting, the deputy returning officer shall in full view of such of the candidates or their agents or the electors representing candidates as are present.

(a) unseal and open the ballot box;

(b) empty the ballot papers cast during the same day of voting (in such manner as not to disclose for whom any elector has voted) into a special envelope supplied for the purpose;

(c) seal such envelope with a gummed paper seal prescribed by the Chief Electoral Officer;

(d) count the unused ballot papers and the used advance poll certificates which up to that time have been presented;

(e) place the unused ballot papers and used advance poll certificates in another special envelope supplied for the purpose;

(f) endorse on such envelope the number of such unused ballot papers and used advance poll certificates; and

(g) seal the said envelope with a gummed paper seal prescribed by the Chief Electoral Officer;

the deputy returning officer and such of the candidates or their agents or the electors representing candidates as are present, shall affix their signatures on the gummed paper seals affixed to both of the above mentioned special envelopes, before such envelopes are placed in the ballot box; the ballot box shall then be locked and sealed as prescribed in subsection (1).

Custody of
ballot box.

(4) In the intervals between voting hours at the advance poll and until nine o'clock in the evening of the ordinary polling day, the deputy returning officer shall keep the ballot box in his custody, locked and sealed in the manner prescribed in subsection (1), and such of the candidates or their agents or the electors representing candidates as are present at the close of the advance poll on each of the two days of voting, may, if they so desire, take note of the serial number embossed on the special metal seal used for locking and sealing the ballot box, and may again take note of such serial number at the re-opening of the advance poll on the second day of voting and at the counting of the votes in the evening of the ordinary polling day. 5 10

Collecting of
Record of
Completed
Affidavits
for Voting
at an
Advance Poll.

(5) As soon as possible after the close of advance polls at ten o'clock in the evening of Saturday, the ninth day before the ordinary polling day, the returning officer shall have collected the Record of Completed Affidavits for Voting at an Advance Poll in the most expeditious manner available from the deputy returning officer of every advance polling district established in his electoral district. 15 20

Count of
votes on the
ordinary
polling day.

(6) The deputy returning officer shall, at nine o'clock in the evening of the ordinary polling day, attend with his poll clerk at the place mentioned in the Notice of Holding of Advance Poll, in Form No. 65, and there, in the presence of such of the candidates and their agents as may attend, open the ballot box and the sealed envelopes containing ballot papers, count the votes and take all other proceedings provided by this Act for deputy returning officers and poll clerks in connection with the conduct of an election after the close of the ordinary poll, except that such statements and other documents as other provisions of this Act may require to be made and to be written in or attached to the poll book shall be made in a special book of statements and oaths relating to advance polls prescribed by the Chief Electoral Officer. 25 30 35

Provisions
applicable to
advance polls.

(7) Subject to sections 94 to 98, the provisions of this Act relating to ordinary polls shall in so far as applicable apply to advance polls.

Striking from
lists of elec-
tors names of
persons who
have voted at
advance polls.

98. (1) As soon as the returning officer has collected the Records of Completed Affidavits for Voting at an Advance Poll pursuant to subsection (5) of section 97, and before the lists of electors are placed in the ballot boxes to be distributed to ordinary polling stations, he shall strike off such lists the names of all electors appearing in such records. 40

(4) In the intervals between voting hours at the advance poll and until six o'clock in the afternoon of the ordinary polling day, the ballot box shall remain in the custody of the deputy returning officer; the ballot box shall be kept locked and sealed in the manner prescribed in subsection (1), and such of the candidates or their agents or the electors representing candidates as are present at the close of the advance poll on each of the three days of voting, may, if they so desire, take note of the serial number embossed on the special metal seal used for locking and sealing the ballot box, as herein prescribed, and may again take note of such serial number at the re-opening of the advance poll on the second and third days of voting and at the counting of the votes on the ordinary polling day.

(5) The deputy returning officer shall, at six o'clock in the afternoon of polling day, attend with his poll clerk at the polling station where the advance poll was held, and there, in the presence of such of the candidates and their agents as may attend, open the ballot box and the sealed envelopes containing ballots, count the votes and take all other proceedings provided by this Act for deputy returning officers and poll clerks in connection with the conduct of an election after the close of the poll, except that such statements and other documents as other provisions of this Act may require to be made and to be written in or attached to the poll book shall be made as so required and be annexed to the certificates in Form No. 66 in this section referred to.

(6) Subject to the provisions of sections 94 to 97, the provisions of this Act relating to ordinary polls shall in so far as applicable apply to advance polls.

"98. Any person who, corruptly,

- (a) for the purpose of obtaining from any officer who is by this Act authorized to grant it, a certificate in Form No. 66, makes to such officer any false statement;
- (b) forges or fabricates any such certificate, or any name thereon, or not being the person named therein, presents any such certificate to any deputy returning officer or poll clerk at any polling station;
- (c) makes before any deputy returning officer a false declaration as to the cause or necessity of his voting at an advance poll;
- (d) after having obtained from an officer by this Act authorized to grant it, a certificate in Form No. 66 votes or attempts to vote at any other than an advance poll, except upon presentation on polling day of such certificate as provided by this Act; or
- (e) in any other manner contravenes any provision of sections 94 to 97, is guilty of an offence against this Act punishable on summary conviction as provided in this Act."

Where lists of electors have been distributed to ordinary polling stations.

(2) If the ballot boxes have been distributed to the ordinary polling stations, the returning officer shall notify each deputy returning officer concerned by the best means available of the names of the electors appearing in the Record of Completed Affidavits for Voting at an Advance Poll that are on the list of electors for his polling station and shall instruct him to strike those names off such list, and each deputy returning officer so instructed shall forthwith comply with those instructions. 5

Name inadvertently struck off.

(3) If, in complying with subsections (1) and (2), the name of an elector is inadvertently struck off a list of electors, the elector concerned shall be allowed to vote on the ordinary polling day upon taking the oath, in Form No. 41, after the deputy returning officer or the poll clerk has communicated with the returning officer to ascertain if such a mistake has really been made. 15

Returning officer to transmit copy of Record of Completed Affidavits for Voting at an Advance Poll to candidates.

(4) The returning officer shall, not later than Wednesday, the fifth day before the ordinary polling day, transmit a copy of each Record of Completed Affidavits for Voting at an Advance Poll collected by him pursuant to subsection (5) of section 97 to each candidate officially nominated in his electoral district. 20

Offences and penalties respecting advance polls.

“98A. Every person who, corruptly,

(a) makes before a deputy returning officer a false declaration in the affidavit for voting at an advance poll, in Form No. 66, as to the cause or necessity of his voting at an advance poll; 25

(b) after having taken and subscribed to an affidavit for voting at an advance poll, in Form No. 66, votes or attempts to vote at an advance poll other than the one where such affidavit was taken and subscribed to or at a poll on the ordinary polling day; or 30

(c) in any other manner contravenes any provision of sections 94 to 97;

is guilty of an offence against this Act punishable on summary conviction as provided in this Act.” 35

5. Subsection (1) of section 101 of the said Act is repealed and the following substituted therefor:

Political broadcasts forbidden.

“101. (1) No person shall be allowed to broadcast a speech or any entertainment or advertising program over the radio on the ordinary polling day and on the two days immediately preceding it in favour or on behalf of any political party or any candidate at an election.” 40

6. Forms Nos. 65 and 66 of the said Act are repealed and the following substituted therefor: 45

FORM No. 53

NOTICE OF HOLDING IN ADVANCE POLL (53)

Electoral District of
Take notice that pursuant to the provisions of sections 94 to 97 inclusive of the Canada Elections Act, an advance poll will be opened in the undersigned advance polling district(s).....

FOR ADVANCE POLLING DISTRICT No. 1, viz.

..... of the above
advance polling district No. 1, the advance polling station will be located at (specify in capital letters the exact location of the advance polling station), and the vote cast thereat will be counted on Monday, the ordinary polling day, at the place in the evening (specify in capital letters the exact location where the count will be held).
If desired as above in respect of any other advance polling district(s).....

And further take notice that the said advance polling stations will be open between the hours of two and ten o'clock in the afternoon and evening of Friday and Saturday, the tenth and sixth days before the day fixed as the ordinary polling day at the polling station in the above mentioned electoral district.

And further take notice that any elector whose name appears on the list of electors prepared for a polling division established in such advance polling district who has reason to believe that he will be absent on the ordinary polling day at the polling station from, and that he is likely to be unable to vote on that day as such polling division may be in advance of the ordinary polling day at the advance polling station established in the advance polling division containing the polling division on the list of electors for which his name appears, if before casting his vote, he takes and submits to an officer the voting at an advance poll in Form No. 55 of the Canada Elections Act before the

5. The word "ordinary" has been inserted in section 101. This is a consequential amendment.

6. The changes in Forms Nos. 65 and 66 are consequential.

“FORM No. 65.

NOTICE OF HOLDING OF ADVANCE POLL (Sec. 94(5).)

Electoral District of.....

Take notice that, pursuant to the provisions of sections 94 to 97, inclusive, of the Canada Elections Act, an advance poll will be opened in the undermentioned advance polling district(s). 5

FOR ADVANCE POLLING DISTRICT No. 1, comprising polling divisions Nos. of the above mentioned electoral district, the advance polling station will be located at (Specify in capital letters the exact location of the advance polling station), and the votes cast thereat will be counted on Monday, the ordinary polling day, at nine o'clock in the evening, at (Specify in capital letters the exact location where the count will be held). 10 15

(Proceed as above in respect of any other advance polling district.)

And further take notice that the said advance polling station(s) will be open between the hours of two and ten o'clock in the afternoons and evenings of Friday and Saturday, the tenth and ninth days before the day fixed as the ordinary polling day at the pending election in the above mentioned electoral district. 20

And further take notice that any elector whose name appears on the list of electors prepared for a polling division comprised in such advance polling district who has reason to believe that he will be absent on the ordinary polling day at the pending election from, and that he is likely to be unable to vote on that day in, such polling division may vote in advance of the ordinary polling day at the advance polling station established in the advance polling district comprising the polling division on the list of electors for which his name appears, if before casting his vote, he takes and subscribes to an affidavit for voting at an advance poll, in Form No. 66, of the Canada Elections Act, before the deputy returning officer of the said advance polling district. 25 30 35

And further take notice that the office of the undersigned which has been established for the conduct of the pending

election is located at in the Town City Village of..... 40

Dated atthis....day of.....19....

(Print name of returning officer) Returning Officer. 45

"FORM No. 66.

AFFIDAVIT FOR VOTING AT AN ADVANCE POLL.
(Sec. 95.)

Consecutive number of affidavit.....

Electoral District of.....

Advance Polling District No.

I, the undersigned,, whose occupation is and whose address is do swear (or solemnly affirm):

1. That my name appears on the list of electors prepared for polling division No. comprised in the above mentioned advance polling district.

2. That I have reason to believe that I will be absent on the ordinary polling day at the pending election from, and that I will be unable to vote on that day in, the above mentioned polling division.

SWORN (or affirmed)
before me

at.....,

this day of.....,
19.... (Signature of deponent)

.....
Deputy returning officer.

PARTICULARS TO BE RECORDED BY POLL CLERK IN THE
ADVANCE POLLING STATION

Consecutive number of elector on list of electors.	FORM NUMBER OF ORAL OATH OR AFFIDAVIT, IF ANY, THE ELECTOR IS REQUIRED TO SWEAR.	RECORD THAT OATH SWORN OR REFUSED (If sworn, insert "Sworn" or "Affirmed"; if refused, insert "Refused to be Sworn" or "Refused to Affirm" or "Refused to Answer").	RECORD THAT ELECTOR HAS VOTED When ballot paper put into ballot box, insert "Voted".	REMARKS

Repeal.

7. Schedule Two to the said Act is repealed.

C-34.

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-34.

An Act to amend the Criminal Code (Nuisance).

First reading, January 20, 1960.

Mr. HERRIDGE.

THE HOUSE OF COMMONS OF CANADA.

BILL C-34.

An Act to amend the Criminal Code (Nuisance).

1953-54, c. 51;
1955, cc. 2, 45;
1956, c. 48;
1957-58, c. 28;
1958, c. 18;
1959, cc. 40,
41.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The *Criminal Code* is amended by adding thereto, immediately after section 165 thereof, the following section:— 5

Discharging
noxious
matter into
interprovin-
cial water.

“165A. Every owner, lessee, or person operating any industrial plant, oil refinery, chemical works, sawmill or other plant or works, or any other person, who discharges or throws or allows to be discharged or thrown any noxious waste product, raw sewage, oil, sawdust, chemical or other matter or thing into a river, stream or other water any part of which is interprovincial or which flows into any interprovincial water, which has the effect of endangering the lives, safety, health or comfort of the public is guilty of 10

- (a) an indictable offence and is liable to a fine of twenty-five thousand dollars for a first offence and of fifty thousand dollars for a second offence, or 15
(b) an offence punishable on summary conviction.

The House of Commons of Canada, 1908

THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTE.

The purpose of this Bill is to make it an offence for the owners of industrial plants and oil refineries or other persons to discharge noxious matter into an interprovincial water thus endangering the lives, safety, health or comfort of the public.

An Act to provide for the Safety of Interprovincial Waters
and to amend the Criminal Code in that behalf.

AS PASSED BY THE HOUSE OF COMMONS
21st JANUARY, 1908

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-35.

An Act to provide for Short-Term Credit to Prairie
Grain Producers.

AS PASSED BY THE HOUSE OF COMMONS,
21st JANUARY, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-35.

An Act to provide for Short-Term Credit to Prairie Grain Producers.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

Short title. 1. This Act may be cited as the *Prairie Grain Loans Act*.

INTERPRETATION.

- Definitions. 2. (1) In this Act, 5
- "Actual producer." (a) "actual producer" means a person actually engaged in the production of grain;
- "Application." (b) "application" means an application for a guaranteed loan;
- "Bank." (c) "bank" means a bank to which the *Bank Act* applies; 10
- "Board." (d) "Board" means The Canadian Wheat Board;
- "Borrower." (e) "borrower" means a person to whom a guaranteed loan has been made;
- "Crop." (f) "crop" means a crop of grain, whether before or after severance from the soil; 15
- "Grain." (g) "grain" means wheat, oats, barley, rye, flaxseed or rapeseed that was grown within the designated area, as defined in the *Canadian Wheat Board Act*;
- "Guaranteed loan." (h) "guaranteed loan" means a loan or advance made by a bank to an actual producer in accordance with the requirements of section 3; 20
- "Minister." (i) "Minister" means the Minister of Finance;
- "Permit book." (j) "permit book" means a delivery permit issued by the Board pursuant to the *Canadian Wheat Board Act* for a crop year;

(1) "guaranteed" means prescribed by legislation; and
 (2) "1959-60 crop year" means the crop year that began on the 1st day of August, 1959.
 (3) This Act shall be construed so far as possible with the Canadian Wheat Board Act and, unless a contrary intention appears, all words and expressions in this Act have the same meaning as they have in the Canadian Wheat Board Act.

GUARANTEED LOANS

(1) Subject to the Act, the Minister is liable to pay to a bank the amount of loss sustained by it as a result of a guaranteed loan made to an actual producer if

EXPLANATORY NOTE.

The purpose of this bill is to provide for the guarantee of bank loans made to prairie grain producers during the 1959-60 crop year.

(i) the estimated total quantity of grain of a particular kind on the farm in respect of which he is the actual producer,
 (ii) the estimated quantity of grain that he may become entitled to deliver on his own behalf under the permit book for the farm and the quantity of such grain that he expects to deliver under the permit book during the 1959-60 crop year,
 (iii) the quantity of grain that he expects to deliver on his own behalf during the 1959-60 crop year and
 (iv) the estimated amount that would be payable for the sale of the grain that he expects to deliver if he were able to deliver and sell it at the time of the application;
 (e) a responsible officer of the bank certified that
 (i) he had examined and checked the application for the loan with the care required of him by the bank in the conduct of its ordinary business and
 (ii) at the time the loan was made the borrower produced to the bank the permit book, if any, for the farm on which the grain was grown and enclosed therein a document in prescribed form that one-half of all moneys payable in respect of the purchase of grain delivered by him or on his behalf under the permit book be paid to the bank until the loan is repaid in full;

"Pre-scribed."
 "1959-60
 crop year."
 To be
 construed
 with
*Canadian
 Wheat Board
 Act.*

- (k) "prescribed" means prescribed by regulation; and
 (l) "1959-60 crop year" means the crop year that began on the 1st day of August, 1959.

(2) This Act shall be construed as one with the *Canadian Wheat Board Act*, and, unless a contrary intention appears, all words and expressions in this Act have the same meanings as they have in the *Canadian Wheat Board Act*. 5

GUARANTEED LOANS

Minister's
 liability
 to a bank.

3. (1) Subject to this Act, the Minister is liable to pay to a bank the amount of loss sustained by it as a result of a guaranteed loan made to an actual producer, if 10
- (a) the loan was made before the 1st day of June, 1960;
- (b) the loan was made pursuant to an application in prescribed form signed by the borrower in which he stated
- (i) the estimated total quantity of all crops and 15
 grain of different kinds on the farm in respect of which he is the actual producer,
- (ii) the estimated quantity of grain that he may become entitled to deliver on his own behalf under the permit book for the farm and the 20
 quantity of such grain that he expects to deliver under the permit book during the 1959-60 crop year,
- (iii) the quantity of rapeseed that he expects to deliver on his own behalf during the 1959-60 25
 crop year, and
- (iv) the estimated amount that would be payable for the sale of the grain that he expects so to deliver if he were able to deliver and sell it at the time of the application; 30
- (c) a responsible officer of the bank certified that
- (i) he had scrutinized and checked the application for the loan with the care required of him by the bank in the conduct of its ordinary business, and 35
- (ii) at the time the loan was made the borrower produced to the bank the permit book, if any, for the farm on which the grain was grown and endorsed therein a direction in prescribed form that one-half of all moneys payable in respect 40
 of the purchase of grain delivered by him or on his behalf under the permit book be paid to the bank until the loan is repaid in full;

- (d) the amount of the loan did not exceed the lesser of
- (i) one-half of the estimated amount set out in the application of the borrower as required by subparagraph (iv) of paragraph (b), or
 - (ii) fifteen hundred dollars, minus the aggregate 5
 - (A) for the sale of grain delivered by or on behalf of the borrower under his current permit book during the 1959-60 crop year 10 and before the making of the loan, and
 - (B) for the sale of rapeseed delivered by or on behalf of the borrower during the 1959-60 crop year and before the making of the loan, as disclosed in the application or of which 15 the bank had knowledge,
 other than any such moneys that have been paid to a bank in respect of a guaranteed loan or have been paid in discharge of an obligation incurred under the *Prairie Grain Advance 20 Payments Act* or the *Prairie Grain Provisional Payments Act*;
 - (e) the borrower has discharged all obligations incurred by him under the *Prairie Grain Advance Payments Act* or the *Prairie Grain Provisional Payments Act*; 25
 - (f) repayment of the loan was secured by security given under section 6; and
 - (g) the loan was made on such other terms and conditions as may be prescribed.
- (2) In calculating the amount of the loan to a borrower 30 there shall be deducted from the maximum amount of the loan specified in paragraph (d) of subsection (1)
- (a) the amount of all previous guaranteed loans made to that borrower, and
 - (b) the amount of 35
 - (i) any advance payment received by him during the 1959-60 crop year under the *Prairie Grain Advance Payments Act*, and
 - (ii) any provisional payment received by him under the *Prairie Grain Provisional Payments Act*. 40

Deductions
from
maximum
loan.

When
Minister
not liable.

4. The Minister is not liable under this Act with respect to guaranteed loans made before the 1st day of June, 1960,
- (a) to pay to a bank, in respect of losses sustained by it as a result of such guaranteed loans made by it, an amount in excess of the aggregate of 45

- (i) twenty-five per cent of that part of the aggregate principal amount of the guaranteed loans made by the bank that does not exceed one hundred and fifty thousand dollars, and
 - (ii) twenty per cent of that part of the aggregate principal amount of the guaranteed loans made by the bank that exceeds one hundred and fifty thousand dollars, and
- (b) to make any payment to a bank in respect of loss sustained by it as a result of a guaranteed loan made after the aggregate principal amount of the guaranteed loans made by all banks exceeds fifty million dollars.

REGULATIONS.

Regulations.

- 5.** The Governor in Council may make regulations
- (a) prescribing the forms of applications, directions, claims, reports or other documents to be used in connection with guaranteed loans or for the effective operation of this Act;
 - (b) defining for the purposes of this Act the expression "responsible officer of the bank";
 - (c) prescribing the method of determination of the amount of loss sustained by a bank as a result of a guaranteed loan and the procedure to be followed by a bank in making a claim for loss sustained by it as a result of a guaranteed loan;
 - (d) prescribing the steps to be taken by a bank to effect on behalf of the Minister collection of any guaranteed loan in respect of which payment has been made by the Minister to the bank under this Act, and to provide that on failure by the bank to take such steps the amount of such payment may be recovered by the Minister;
 - (e) respecting subrogation of Her Majesty to the rights of a bank with respect to a guaranteed loan;
 - (f) requiring reports to be made to the Minister and to the Board by a bank in respect of guaranteed loans; and
 - (g) generally for carrying the purposes and provisions of this Act into effect.

SPECIAL POWERS OF BANKS.

Power of bank.

- 6.** (1) Notwithstanding anything in the *Bank Act* or any other Act or law, a bank may, before the 1st day of June, 1960, lend money and make advances in an amount not

exceeding fifteen hundred dollars to an actual producer upon the security of crops and grain on the farm in respect of which he is the actual producer, and the security may be given by signature and delivery to the bank by or on behalf of the producer of a document in a form prescribed for that purpose or in a form to the like effect. 5

Security.

(2) Delivery of a document giving security upon crops and grain to a bank under the authority of this section has a like effect as delivery of a document giving security upon crops or grain under section 88 of the *Bank Act*, and all the provisions of that Act, except subsection (4) of section 88 thereof, apply with respect thereto as if the document were a document giving security under section 88 of that Act. 10

ENDORSEMENT IN PERMIT BOOK.

Endorsement
in permit
book.

7. Notwithstanding any other Act or law, where the permit book of a borrower has been endorsed as required by subparagraph (ii) of paragraph (c) of subsection (1) of section 3, the borrower is not, until his guaranteed loan is repaid in full, entitled to receive or use another permit book for the same or any subsequent crop year unless he executes therein an endorsement in the same prescribed terms or to the like effect. 15 20

Effect of
endorsement.

8. (1) Notwithstanding any other Act or law but subject to subsection (2), where any endorsement referred to in subparagraph (ii) of paragraph (c) of subsection (1) of section 3 or in section 7 remains uncanceled, 25

(a) the bank in whose favour the endorsement was made is, after the coming into force of this Act and until the guaranteed loan is repaid in full, entitled, in priority to all other persons, to one-half of all moneys payable in respect of the purchase of grain delivered under the permit book by or on behalf of the borrower who made the endorsement; and 30

(b) the bank in whose favour the endorsement was made may recover any of the moneys to which it is entitled under paragraph (a) by action or proceedings against the manager of the elevator or other person receiving delivery of the grain or receiving such moneys, as if the grain were delivered and sold on behalf of the bank, and any such moneys received by the bank shall be deemed to be a payment on account of the guaranteed loan. 35 40

Seed grain.

(2) Subsection (1) does not apply in respect of grain delivered by a producer under any permission given by the Board authorizing delivery of grain in order to obtain seed.

Cancellation
of
endorse-
ment.

9. Where a permit book has been endorsed in respect of a guaranteed loan and the loan has been repaid in full, a responsible officer of the bank by which the loan was made shall, at the request of the borrower, cancel the endorsement by an entry to that effect in the permit book.

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GENERAL.

Offence and
penalty.

10. (1) Every person who, after the coming into force of this Act, in respect of a guaranteed loan

(a) knowingly makes any misrepresentation in any application or other document or wilfully furnishes any false or misleading information; or

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(b) if he is a borrower and his loan has not been repaid in full, delivers, or causes any other person to deliver on his behalf, under a permit book that has not been endorsed by the borrower as required by this Act, any grain of which he is the actual producer,

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is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars.

Time limit.

(2) A prosecution under subsection (1) may be instituted at any time within two years from the time when the subject matter of the complaint arose.

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Notice to
the Board
after payment
of losses.

11. (1) Where the Minister has made a payment to a bank in respect of loss sustained by the bank as the result of a guaranteed loan, the Minister may give notice to the Board of the amount he has paid to the bank in respect of defaulted principal and in respect of any other charges or costs exclusive of interest and direct the Board to withhold and to remit to him that amount, together with interest at the rate applicable to the loan from the time of default of the loan, out of the moneys that may at any time thereafter, other than at the time of the sale of grain by the borrower, become payable by the Board to the borrower.

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Payment to
Minister.

(2) Notwithstanding the *Canadian Wheat Board Act*, the Board shall give effect to a direction given by the Minister under subsection (1) and payment by the Board pursuant thereto shall, without prejudice to the right of the borrower to recover from the Crown any amount so paid if he is entitled thereto, discharge the liability of the Board to the borrower with respect to the amount so paid.

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Payments
under *Prairie
Grain
Advance
Payments
Act* or
*Prairie Grain
Provisional
Payments Act*
where
producer
indebted
to bank.

12. (1) A person who is indebted to a bank in respect of a guaranteed loan is not entitled to an advance payment under the *Prairie Grain Advance Payments Act* or a provisional payment under the *Prairie Grain Provisional Payments Act* unless the amount of the advance payment or the provisional payment, as the case may be, exceeds the unpaid balance of the guaranteed loan, together with any interest or other charges owing thereunder, owing to the bank, and where a person who is indebted to a bank in respect of a guaranteed loan obtains a payment under any of those Acts, such unpaid balance, interest and other charges shall be deducted from the payment and paid to the bank, and the bank shall cancel any endorsement with respect thereto in the permit book of that person. 5 10

Moneys
recovered
to be paid
to Minister.

(2) Where under this Act a bank has been paid by the Minister or the Board withholds any moneys for the Minister in respect of a guaranteed loan, the moneys recovered from a borrower by the bank or by the Board shall be paid by each of them, respectively, to the Minister. 15

Payment
out of C.R.F.

13. Any amount payable to a bank under this Act may be paid out of the Consolidated Revenue Fund. 20

Report to
Parliament.

14. On or before the 31st day of December, 1960, the Minister shall prepare a report with regard to the administration of this Act during the 1959-60 crop year and shall lay the report before Parliament within fifteen days after it is prepared or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting. 25

Commence-
ment.

15. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

C-36.

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-36.

An Act to amend the Public Lands Grants Act.

First reading, January 22, 1960.

Mr. FISHER.

3rd Session, 24th Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-36.

An Act to amend the Public Lands Grants Act.

R.S., c. 224;
1959, c. 52.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The *Public Lands Grants Act* is amended by adding thereto, immediately after section 4 thereof, the following section: 5

Covenant of non-discrimination to run with Crown lands.

"4A (1) There is attached forever henceforth to all public lands a covenant, running with the land, that the lands shall never be held or used in such wise or to such purpose as to discriminate against any person because of his race, national origin, colour, or religion. 10

(2) This covenant shall bind Her Majesty, Her Heirs and Successors, and shall bind every person, his heirs, successors and assigns, whether he is named or not, to whom such public lands, or any of them, are granted, sold, leased, or otherwise disposed of; and this Act shall be good and sufficient notice to every such person, his heirs, successors and assigns, of the existence of the covenant." 15

C-37.

THE HOUSE OF COMMONS OF CANADA

BILL C-37

EXPLANATORY NOTES.

The purpose of this Bill is to ensure that all public lands now owned—or to be owned—by the Canadian people shall not be used or disposed of so as to discriminate against any person by reason of his race, national origin, colour or religion. The covenant of non-discrimination would bind the Crown and any person (including corporation) who subsequently acquires such lands.

The *Public Lands Grants Act* defines “land” and “public lands” as follows:

“2 (b) “land” includes mines, minerals, easements, servitudes and all other interests in real property; and

(c) “public lands” means lands belonging to Her Majesty in right of Canada and includes lands of which the Government of Canada has power to dispose.”

The *Interpretation Act*, R.S. 1952, c. 158, section 35 (22), defines “person” to include “body corporate and politic.”

C-37.

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-37.

An Act to amend the Library of Parliament Act.

First reading, January 22, 1960.

MR. FISHER.

3rd Session, 24th Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-37.

An Act to amend the Library of Parliament Act.

R.S., c. 166;
1955, c. 35.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Section 5 of the *Library of Parliament Act* is amended by adding thereto, immediately after subsection three thereof, the following subsection: 5

Qualifications
of Librarian
and
Associate.

“(4) The person appointed Parliamentary Librarian shall have been graduated from a recognized university and from a recognized school of library science and shall have a minimum of fifteen years experience as a professional librarian; and the person appointed as Associate Parliamentary Librarian shall have been graduated from a recognized university and from a recognized school of library science and shall have a minimum of ten years experience as a professional librarian.” 10 15

EXPLANATORY NOTES.

The purpose of this amendment to the *Library of Parliament Act* is to provide that any person appointed Parliamentary Librarian or Associate Parliamentary Librarian shall be a professional librarian who meets specified standards of education and experience. The educational requirements are the same for each office, that is, a university degree and a degree in library science; the experience required is fifteen years in the case of the Librarian and ten years in the case of the Associate.

The present section 5 is as follows:

"5. (1) The Governor in Council may by commission under the Great Seal appoint a Parliamentary Librarian to hold office during pleasure.

(2) The Parliamentary Librarian has the rank of a deputy head of a department and, subject to section 3, has the control and management of the Library.

(3) The Governor in Council may by commission under the Great Seal appoint an Associate Parliamentary Librarian to hold office during pleasure who, in addition to any duties defined in respect of his office under section 9, shall execute and perform the duties and functions of Parliamentary Librarian during his absence, illness or other incapacity or during a vacancy in the office of Parliamentary Librarian."

C-38.

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-38.

An Act to amend the Companies Act
(Financial Statements).

First reading, February 1, 1960.

MR. BROOME.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

THE HOUSE OF COMMONS OF CANADA.

BILL C-38.

An Act to amend the Companies Act
(Financial Statements).

R.S., c. 53.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Paragraph (a) of subsection (1) of section 121 of the *Companies Act*, together with that portion of subsection (1) that precedes paragraph (a) thereof, is repealed and the following substituted therefor: 5

“121. (1) In the case of a company, not being a private company exempted by subsection (1A),

Shareholders
and Secretary
of State to
get financial
statements.

(a) a copy of every balance sheet and statement of income and expenditure and statement of surplus and of the statement referred to in section 118, where such section applies, that is to be laid before the company at the annual meeting, together with a copy of the auditor's report, shall, not less than fourteen days before the date of the meeting, be mailed in a prepaid wrapper or letter to each and every shareholder of record at his address as recorded in the books of the company; and thereafter, in due course, a copy of each of the documents mentioned in this subsection shall also be mailed to the Secretary of State, together with proof of due compliance with the foregoing provisions of this paragraph, in such form as may be satisfactory to the Secretary of State;” 10 15 20

2. The said Act is further amended by adding thereto, immediately after subsection (1) of section 121 thereof, the following subsection; 25

Exempted
private
companies.

(1A) Where a private company establishes to the satisfaction of the Secretary of State that, during the period to which such balance sheet and the statements aforesaid relate, none of its shares or debentures has been owned or 30

BILL C-39.

EXPLANATORY NOTES.

The present section 121 (1) (a) exempts all private companies from the requirements that the annual financial statements shall be sent to all shareholders and the Secretary of State. The purpose of this Bill is to restrict the exemption to private companies that, in the opinion of the Secretary of State, are not owned or controlled, directly or indirectly, by Canadian or non-Canadian public companies.

Clause 1 adds the words "exempted by subsection (1A)" to the present section 121 (1) (a).

Clause 2 defines the circumstances under which the Secretary of State will grant exemption to a private company from publicizing its annual financial statements.

Clause 3 proposes that the restrictive amendment come into effect January 1st, 1961, to give adequate notice to interested persons.

C-39.

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-39.

An Act respecting Company Directors
(Directors' Qualifications).

First reading, February 1, 1960.

MR. BROOME.

THE HOUSE OF COMMONS OF CANADA.

BILL C-39.

An Act respecting Company Directors
(Directors' Qualifications).

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

- Short title. **1.** This Act may be cited as the *Company Directors' Act*.
- Application. **2.** In every case in which the Parliament of Canada has created, whether by special or general Act of Parliament, by charter, or by letters patent, for any of the purposes or objects to which the legislative authority of the Parliament of Canada extends, a body corporate and politic and it is required in such Act, or in any Part thereof applying to the company so incorporated, or in such charter or such letters patent, that the company be managed by a board of directors, then this Act shall apply to require:
- Majority of directors of board or committee to be Canadian citizens or residents. (a) a majority of all the directors of such company and, in the case where any committee of such directors is delegated any powers of management of the company, a majority of all the members of such committee, shall at all times be Canadian citizens or ordinarily resident in Canada;
- Disqualification. (b) the election or appointment of a person as a director of such company or as a member of such committee is void if the composition of the board of directors or of the committee, as the case may be, as a result thereof fails to comply with paragraph (a) hereof, and a director or a member of the committee ceases to be a director or a member of the committee, as the case may be, if he ceases to be a Canadian citizen or ordinarily resident in Canada and the composition of the board or of the committee as a result thereof ceases to comply with the requirements of paragraph (a).
- Comment. **3.** This Act shall come into force on the first day of January, 1961.

THE HOUSE OF COMMONS OF CANADA

BILL C-49

EXPLANATORY NOTE.

The purpose of this Bill is to require that all companies created by the Parliament of Canada be managed by a majority of directors who are either Canadians or Canadian residents. Stricter requirements already exist in the *Canadian and British Insurance Companies Act*, R.S., c. 31, s. 6, as amended by 1957 S., c. 11, s. 2, which requires that a majority of directors be resident Canadians, and in Part III of the *Companies Act*, R.S., c. 53, s. 155, (companies incorporated by Special Act to which Part III applies), which requires that a majority of the directors be British subjects ordinarily resident in Canada.

Clause 3 provides that this Act would be effective 1st January, 1961.

C-40.

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-40.

An Act to amend the Opium and Narcotic Drug Act.

First reading, February 2, 1960.

MR. DRYSDALE.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

THE HOUSE OF COMMONS OF CANADA.

BILL C-40.

An Act to amend the Opium and Narcotic Drug Act.

R.S., cc. 201,
325, s. 73;
1953-54, cc.
38, 51, s. 748.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. (1) Section 2 of the *Opium and Narcotic Drug Act* is amended by adding thereto, immediately after paragraph (h) thereof the following paragraph: 5

“Non-user.”

“(hh) “non-user” means a person who traffics in drugs but is not a user.”

(2) by deleting the word “and” at the end of paragraph (mm) thereof, and by adding thereto, immediately after the said paragraph (mm), the following paragraph: 10

“User.”

“(mmm) “user” means a person who uses drugs by taking them orally, by injection, or in any other manner or by any other means; and”

2. Subsection 3 of section 4 of the said Act is repealed and the following substituted therefor: 15

Trafficking.

(3) Every person

(a) who traffics in any drug or any substance represented or held out by such person to be a drug, or

(b) who has in his possession any drug for the purpose of trafficking, 20

is guilty of an offense and is liable, upon conviction on indictment,

(i) if a user, to imprisonment for a term not exceeding fourteen years and, in addition, at the discretion of the judge, to be whipped; 25

(ii) if a non-user, to be sentenced to death or imprisonment for life.

3. The said Act is further amended by adding thereto, immediately after section 25 thereof, the following: 30

24. When any person convicted of an offence under this Act is committed by a qualified medical practitioner to be a user then the Court or Judge shall order that the user be treated in a hospital or institution qualified to treat and cure drug addiction and that such person shall not be allowed out of custody until he is certified cured of drug addiction by a qualified medical practitioner; The cost of such out-patient treatment shall be borne by the Government.

Continued
 treatment of
 addicts
 1947

Cont.

Continued
 1947

25. Section 24 shall be provided to come into effect in such provinces or provinces that have or acquire suitable facilities for the treatment and cure of drug addiction.

EXPLANATORY NOTES

The purpose of this Bill is to distinguish between the user and non-user of drugs with respect to trafficking. By providing the death penalty or life imprisonment for the non-user trafficking in drugs it is hoped that this will be a strong deterrent in the case of the trafficker who operates on the basis of business risk and economic returns. Increased penalties and rigid enforcement has been found to be a strong deterrent in other countries faced with the problem. The second step, once having stopped or curtailed the supply of drugs, is to try and effect a cure of the user by compulsory treatment. Since the majority of provinces are not in a position to provide the treatment and cure at present, proclamation can be made when the facilities are acquired in each province for that specific province or proclamation of the treatment section may be made when all the provinces have facilities for the treatment and cure of users.

Compulsory
custodial
treatment of
convicted
user.

"26. When any person convicted of an offense against this Act is certified by a fully qualified medical practitioner to be a user then the Court or Judge shall order that the user be treated in a hospital or institution qualified to treat and cure drug addiction and that such person shall not be allowed out of custody until he is certified cured of drug addiction by a qualified medical practitioner; The cost of such cure and treatment shall be borne by the federal government.

Cost.

Commence-
ment.

"26A. Section 26 shall be proclaimed to come into effect in such province or provinces that have or acquire suitable facilities for the treatment and cure of drug addiction."

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C-41.

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-41.

An Act to amend the Criminal Code
(Capital Punishment).

First reading, February 2, 1960.

MR. DRYSDALE.

THE HOUSE OF COMMONS OF CANADA.

BILL C-41.

An Act to amend the Criminal Code
(Capital Punishment).

153-54, c. 51;
1955, cc. 2, 45;
1956, c. 48, ss.
19, 20;
1957-58, c. 28;
1958, c. 18;
1959, cc. 40,
41.

HER Majesty, by and with the advice and consent of
the Senate and House of Commons of Canada, enacts
as follows:—

1. Subsection (4) of section 194 of the Criminal Code,
chapter 51 of the Statutes of 1953-54, is repealed and the 5
following substituted therefor:—

Culpable
homicide.

“(4) Culpable homicide is capital murder or murder or
manslaughter or infanticide.”

2. Section 206 of the said Act is repealed and the follow- 10
ing substituted therefor:

Death
penalty for
certain
murders.

“206. (1) Every one who commits capital murder is
guilty of an indictable offence and shall be sentenced to
death, the following murders shall be capital murder, that
is to say—

- (a) any murder done in the course of or furtherance of 15
theft, robbery or burglary,
- (b) any murder by using or discharging an offensive
weapon or causing an explosion,
- (c) any murder done in the course of or for the purpose 20
of effecting an escape or rescue from prison or lawful
custody, or for the purpose of resisting or avoiding
or preventing lawful arrest,
- (d) any murder of a peace officer or public officer acting
in the execution of his duty or of a person assisting 25
a peace officer or public officer so acting, or
- (e) in the case of a person who was a prisoner at the time
when he did or was a party to the murder, any
murder of a prison officer acting in the execution of
his duty or of a person assisting a prison officer so 30
acting.

EXPLANATORY NOTES.

The purpose of this Bill is to provide the death penalty for those crimes coming within the definition of "capital murder". In general this legislation seeks to exclude from the death penalty those crimes generally referred to as "crimes of passion" but retaining the death penalty as a deterrent where a murder occurs during a theft or as a result of the use of an offensive weapon or by an explosion. The Bill seeks to protect police officers, prison guards and those assisting them by using the death penalty as a deterrent to prevent murder while these persons acting in the course of their duty or those assisting them seek to arrest a person or retain a prisoner in custody. In the case of treason and a person convicted of two or more murders the death penalty is also applied.

Instead of execution by hanging, provision is made for execution by means of the gas chamber. The form of the traditional death sentence that a person shall "be hanged by the neck until he is dead" is changed so that the person shall "suffer death in the manner authorized by law." Provision is also made for disposal of the body either by burial, which is the present method, or by cremation.

The sections or subsections of the Criminal Code referred to in the bill at present, read as follows:

"194. (1) A person commits homicide when, directly or indirectly, by any means, he causes the death of a human being.

(2) Homicide is culpable or not culpable.

(3) Homicide that is not culpable is not an offence.

(4) Culpable homicide is murder or manslaughter or infanticide.

(5) A person commits culpable homicide when he causes the death of a human being.

(a) by means of an unlawful act,

(b) by criminal negligence,

(c) by causing that human being, by threats or fear of violence or by deception, to do anything that causes his death, or

(d) by wilfully frightening that human being, in the case of a child or sick person.

(6) Notwithstanding anything in this section, a person does not commit homicide within the meaning of this Act by reason only that he causes the death of a human being by procuring, by false evidence, the conviction and death of that human being by sentence of the law.

"206. Every one who commits murder is guilty of an indictable offence and shall be sentenced to death.

If two or more persons guilty of murder.

(2) If, in the case of any murder falling within the preceding subsection, two or more persons are guilty of the murder, it shall be capital murder in the case of any of them who by his own act caused the death of, or inflicted or attempted to inflict grievous bodily harm on, the person murdered, or who himself used force on that person in the course or furtherance of an attack on him; but the murder shall not be capital murder in the case of any other of the persons guilty of it. 5

Capital murder.

(3) Where it is alleged that a person accused of murder is guilty of capital murder, the offence shall be charged as capital murder in the indictment, and if a person charged with capital murder is convicted thereof, he shall be liable to the same punishment for the murder as heretofore. 10

"Capital murder".

(4) In this Act "capital murder" means capital murder within subsections (1) and (2) of this section. 15

"prison officer."

(5) In this section—

(a) "prison officer" includes any member of the staff of a prison,

"prisoner."

(b) "prisoner" means a person who is undergoing imprisonment or detention in a prison, whether under sentence or not, or who, while liable to imprisonment or detention in a prison, is unlawfully at large. 20

Death penalty for repeated murders.

"206A. (1) A person convicted of murder shall be sentenced to death, if before conviction of that murder he has, whether before or after the commencement of this Act, been convicted of another murder done on a different occasion. 25

Murder of two or more persons.

(2) Where a person is charged with the murder of two or more persons, no rule of practice shall prevent the murders being charged in the same indictment or (unless separate trials are desirable in the interests of justice) prevent them being tried together; and where a person is convicted of two murders tried together (but done on different occasions), subsection (1) of this section shall apply as if one conviction had preceded the other. 30

Abolition of death penalty for other murders.

"206B. No person shall be liable to suffer death for murder in any case not falling within sections 46, 47, 206 and 206A. 35

Penalty for murder.

"206C. Everyone who commits murder is guilty of an indictable offence and shall be sentenced to imprisonment for life. 40

3. Section 642 of the said Act is repealed and the following substituted therefor:

Form of
sentence.

"**642.** (a) The sentence to be pronounced against a person convicted of a capital murder who is sentenced to death by virtue of sections 46, 47, 206 or 206A, shall be to the effect that he "suffer death in the manner authorized by law".

5

(b) In this Act "manner authorized by law" means execution by means of lethal gas.

Place of
execution.

4. Section 645 of the said Act is repealed and the following substituted therefor:

"**645.** A sentence of death shall be executed within a 10 lethal chamber."

Place of
burial.

5. Section 650 of the said Act is repealed and the following substituted therefor:

"**650.** The body of a person who is executed pursuant to a sentence of death shall be buried or cremated and the 15 body or ashes, as the case may be, buried within the walls of a prison unless the Lieutenant-Governor in Council, the Commissioner of the Yukon Territory, or the Commissioner of the Northwest Territories, as the case may be, otherwise orders." 20

Coming into
force.

6. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

"642. The sentence to be pronounced against a person who is sentenced to death shall be that he shall be hanged by the neck until he is dead.

"645. (1) A sentence of death shall be executed within the walls of a prison.

(2) The sheriff, the keeper of the prison, the prison doctor and any other persons required by the sheriff shall be present at the execution of a sentence of death.

(3) A clergyman or minister who desires to attend and any other person whom the sheriff considers it proper to admit may attend the execution of a sentence of death.

"650. The body of a person who is executed pursuant to a sentence of death shall be buried within the prison in which the sentence was executed, unless the Lieutenant-Governor in Council, the Commissioner of the Yukon Territory or the Commissioner of the Northwest Territories, as the case may be, otherwise orders."

C-42.

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-42.

An Act for the Control of Traffic on the Precincts of
Parliament.

First reading, February 3, 1960.

MR. ROULEAU.

THE HOUSE OF COMMONS OF CANADA.

BILL C-42.

An Act for the Control of Traffic on the Precincts of Parliament.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

Short title.

1. This Act may be cited as the *Parliamentary Precincts Traffic Act*.

5

2. The Speaker of the Senate and the Speaker of the House of Commons, jointly or separately, may make regulations for controlling or prohibiting the operations of vehicles upon the parks, roads and driveways surrounding the building known as the Houses of Parliament, including the Peace Tower and the Parliamentary Library, and the lands in the City of Ottawa bounded as follows: on the north by the Ottawa River; on the south by Wellington Street; on the east by the centre line of the roadway immediately adjacent to and west of the building known as the East Block and the projection of that line to the Ottawa River and Wellington Street; and on the west by the centre line of the roadway immediately adjacent to and east of the building known as the West Block and the projection of that line to the Ottawa River and Wellington Street.

20

Scope of regulations.

3. The Speakers of both Houses may by such regulations (a) prescribe the maximum speed at which vehicles may be driven; (b) designate the kind of vehicle or the time and circumstances under which vehicles may be allowed to be operated;

25

EXPLANATORY NOTE.

The purpose of this Bill is to provide for the control of traffic on Parliament Hill by the Protective Staffs of both Houses under the authority of the Speaker of the Senate and the Speaker of the House of Commons, respectively, rather than by the Royal Canadian Mounted Police as at present.

- (c) provide the manner in which traffic is to be directed;
- (d) designate the places where vehicles may be parked and by whom, and attach conditions to such parking;
- (e) authorize officers of the protective staff of the Senate and House of Commons respectively to enforce the regulations; 5
- (f) designate the parks, roads, avenues or driveways to which any such regulations shall apply; and
- (g) prescribe the penalties to be incurred for the breach of any regulations. 10

Offences.

4. Any offence against the regulations is punishable upon summary conviction.

Commencement.

5. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-43.

An Act to amend the British North America Acts, 1867 to 1952, with respect to Representation in the Senate.

First reading, February 4, 1960.

Mr. NIELSEN.

THE HOUSE OF COMMONS OF CANADA.

BILL C-43.

An Act to amend the British North America Acts, 1867 to 1952, with respect to Representation in the Senate.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Sections 21 and 22 of the British North America Act, 1867, are repealed and the following substituted therefor: 5

Number of
Senators.

"21. The Senate shall, subject to the Provisions of this Act, consist of One Hundred and Four Members, who shall be styled Senators."

Represent-
ation of
Provinces
and
Territories
in Senate.

"22. In relation to the Constitution of the Senate Canada shall be deemed to consist of Four Divisions:— 10

1. Ontario;

2. Quebec;

3. The Maritime Provinces, Nova Scotia, New Brunswick and Prince Edward Island;

4. The Western Provinces of Manitoba, British Columbia, Saskatchewan and Alberta.; 15

which Four Divisions shall (subject to the Provisions of this Act) be equally represented in the Senate as follows: Ontario by twenty-four senators; Quebec by twenty-four senators; the Maritime Provinces and Prince Edward 20 Island by twenty-four senators; ten thereof representing Nova Scotia, ten thereof representing New Brunswick, and four thereof representing Prince Edward Island; the Western Provinces by twenty-four senators, six thereof representing Manitoba, six thereof representing British 25 Columbia, six thereof representing Saskatchewan, and six thereof representing Alberta.

Newfoundland shall be entitled to be represented in the Senate by six members.

EXPLANATORY NOTES.

Sections 1 and 2 of the British North America Act, 1886 read as follows:

"1. The Parliament of Canada may from time to time make provision for the representation in the Senate and House of Commons of Canada, or in either of them, of any territories which for the time being form part of the Dominion of Canada, but are not included in any province thereof.

"2. Any Act passed by the Parliament of Canada before the passing of this Act for the purpose mentioned in this Act shall, if not disallowed by the Queen's be, and shall be deemed to have been, valid and effectual from the date at which it received the assent, in Her Majesty's name, of the Governor General of Canada."

The purpose of this Bill is to make provision for representation in the Senate of territories which form part of the Dominion of Canada, but are not included in any province thereof, as authorized by the Act of 1886.

The Yukon Territory as constituted by chapter 41 of the Statutes of Canada, 1901, and such other part of Canada not comprised within a province as may from time to time be defined by the Parliament of Canada shall be entitled to be represented in the Senate by two members, one for the Yukon Territory and one for such other part of Canada not comprised within a province. 5

In the case of Quebec each of the Twenty-four Senators representing that Province shall be appointed for One of the Twenty-four Electoral Divisions of Lower Canada 10 specified in Schedule A to Chapter One of the Consolidated Statutes of Canada."

Maximum
number of
Senators.

2. Section 28 of the said Act is repealed and the following substituted therefor:

"28. The number of Senators shall not at any time 15 exceed One Hundred and Twelve."

Short title
and
citation.

3. This Act may be cited as the *British North America Act, 1960*, and the *British North America Acts, 1867 to 1952*, and this Act may be cited together as the *British North America Acts, 1867 to 1960*. 20

C-44.

Third Session, Twenty-Fourth Parliament, 8 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-44.

An Act to amend the Representation Act.

First reading, February 4, 1960.

Mr. NIELSEN.

THE HOUSE OF COMMONS OF CANADA.

BILL C-44.

An Act to amend the Representation Act.

R.S., c. 334;
1952-53, c. 8;
1953-54, c. 32;
1955, c. 5;
1959, c. 16.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Section 2 of the *Representation Act* is repealed and the following substituted therefor:

Total
number of
members.

“2. Eighty-five members of the House of Commons shall be elected for the Province of Ontario, seventy-five for the Province of Quebec, twelve for the Province of Nova Scotia, ten for the Province of New Brunswick, fourteen for the Province of Manitoba, twenty-two for the Province of British Columbia, four for the Province of Prince Edward Island, seventeen for the Province of Saskatchewan, seventeen for the Province of Alberta, seven for the Province of Newfoundland, one for the Yukon Territory, one for Mackenzie district of the Northwest Territories and one for the Keewatin-Franklin district of the Northwest Territories, thus making a total of two hundred and sixty-six members.”

2. Section 8 of the said Act is repealed and the following substituted therefor:

Canada
Elections Act
amended.

“8. (1) Wherever the expression “electoral district of Yukon-Mackenzie River” occurs in the *Canada Elections Act*, chapter 23 of the Revised Statutes of Canada, 1952, there shall in each case be substituted therefor the expression “electoral districts of Yukon, Mackenzie River and Keewatin-Franklin.”

Idem.

(2) Schedule Four of the *Canada Elections Act* is repealed and the following substituted therefor:

“SCHEDULE FOUR.

List of electoral districts in which nomination day is the twenty-eighth day before polling day.

EXPLANATORY NOTE.

The purpose of this Bill is to provide that there shall be two electoral districts in the Northwest Territories, in lieu of one as at present, so that the population of the Keewatin-Franklin district, as described on page 2, may have a representative in the House of Commons.

Province of Ontario
Cochrane
Kenora-Rainy River
Port Arthur

Province of Saskatchewan
MacKenzie
Meadow Lake
Prince Albert

Province of Quebec
Chapleau
Saguenay

Province of Alberta
Athabaska
Peace River
Jasper-Edson

Province of Newfoundland
Bonavista-Twillingate
Burin-Burgeo
Grand Falls-White
Bay-Labrador
Humber-St. George's
Trinity-Conception

Province of British Columbia
Cariboo
Skeena

Yukon Territory
Yukon

Province of Manitoba
Churchill

Northwest Territories
Mackenzie River
Keewatin-Franklin"

Schedule
amended.

3. That Part of the Schedule to the said Act, at the end of the Schedule, under the heading 'NORTHWEST TERRITORIES' is repealed and the following substituted therefor:

"NORTHWEST TERRITORIES.

There shall be in the Northwest Territories two electoral 5
districts named and described as follows, each of which
shall return one member:

MACKENZIE RIVER consisting of the District of
Mackenzie as bounded and described in Order-in-Council
number six hundred and fifty-five (655) dated the 16th day 10
of March, 1918, which reads as follows:

The Provisional District of Mackenzie bound on the west
by the Yukon Territory; on the south by the parallel of the
sixtieth degree of north latitude; on the east by the second 15
meridian in the system of Dominion Land surveys as the
same may be hereafter defined in accordance with the said
system, and on the north by the continental shore of the
Arctic Ocean.

KEEWATIN-FRANKLIN consisting of all that area of
Canada east of the one hundred and second meridian of 20
longitude and north of the sixtieth parallel of latitude
including the whole of the Arctic islands and those islands
in Hudson and James Bay below the sixtieth parallel of
latitude and not included in any other electoral district."

C-45.

Third Session, Twenty-Fourth Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-45.

An Act to amend the Representation Act.

First reading, February 8, 1960.

Mr. RAPP.

3rd Session, 24th Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-45.

An Act to amend the Representation Act.

R.S., c. 334;
1952-53, c. 8;
1953-54, c. 32;
1955, c. 5;
1959, c. 16.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Humboldt—
Melfort—
Tisdale.

1. Paragraph 2 of that Part of the Schedule to the *Representation Act*, dealing with the description of the electoral districts in the province of Saskatchewan, which describes the electoral district of Humboldt—Melfort, is amended by substituting for the words: "HUMBOLDT—MELFORT", the words: "HUMBOLDT—MELFORT—TISDALE" at the beginning of the said description. 5 10

Third Session, Twenty-First Parliament, 1914-1915

THE HOUSE OF COMMONS OF CANADA.

EXPLANATORY NOTE.

The purpose of the present Bill is to change the name of the electoral district of "Humboldt—Melfort" to that of "Humboldt—Melfort—Tisdale."

Bill to amend the Electoral Code
(Canada, Northwest)

First reading, February 24, 1915

MR. CHAIRMAN

C-46.

Third Session, Twenty-Fourth Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-46.

An Act to amend the Criminal Code
(Capital Punishment).

First reading, February 15, 1960.

MR. DESCHATELETS.

3rd Session, 24th Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-46.

An Act to amend the Criminal Code
(Capital Punishment).

1953-54, c. 51;
1955, cc. 2, 45;
1956, c. 48,
ss. 19, 20;
1957-58, c. 28;
1958, c. 18;
1959, cc. 40,
41.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section 206 of the *Criminal Code* is repealed and the following substituted therefor:

Punishment
for murder.

“**206.** Every one who commits murder is guilty of an indictable offence and shall be sentenced to death or to imprisonment for life.”

Third Session, Twenty-Third Parliament, 1924-1925

THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTES.

The purpose of this Bill is to provide an alternative for the Court once the accused has been found guilty of murder. In such a case the Judge would have discretion to impose as a penalty either death or imprisonment for life.

1. Section 206 at present reads as follows:—

“206. Every one who commits murder is guilty of an indictable offence and shall be sentenced to death.”

AS PASSED BY THE HOUSE OF COMMONS
17th FEBRUARY, 1925

C-47.

Third Session, Twenty-Fourth Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-47.

An Act to amend the Department of Justice Act.

**AS PASSED BY THE HOUSE OF COMMONS,
17th FEBRUARY, 1960.**

3rd Session, 24th Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-47.

An Act to amend the Department of Justice Act.

R.S., c. 71.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Section 3 of the *Department of Justice Act* is amended by adding thereto, immediately after subsection (2) thereof, the following subsection: 5

Associate
Deputy
Ministers.

“(2a) The Governor in Council may appoint two Associate Deputy Ministers of Justice, each of whom shall have the rank and status of a deputy head of a department and as such shall under the Deputy Minister of Justice exercise 10 and perform such powers, duties and functions as deputies of the Minister and otherwise as the Minister may specify.”

THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTE.

The purpose of this Bill is to authorize the appointment of two Associate Deputy Ministers of Justice.

First reading, February 24, 1952.

Third Session, Twenty-Fourth Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-48.

An Act to amend the Canada Elections Act
(Age of Voters).

First reading, February 24, 1960.

Mr. RACINE.

THE HOUSE OF COMMONS OF CANADA.

BILL C-48.

An Act to amend the Canada Elections Act
(Age of Voters).

R.S., c. 23,
306; 1952, c.
334, ss. 8, 9;
1952-53, c. 24,
ss. 4, 7; 1955,
c. 44.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. (1) Paragraph (a) of subsection (1) of section 14 of the *Canada Elections Act*, chapter 23 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

Qualification
of electors.

“(a) is of the full age of eighteen years or will attain such age on or before polling day at such election;”

Subsection
repealed.

(2) Subsection (3) of section 14 of the said Act is repealed.

Schedule One
forms
amended.

2. Forms No. 15, No. 18, alternative No. 18, No. 41, No. 42, No. 45, No. 49 and No. 50 of SCHEDULE ONE to the said Act are amended by striking out the words “twenty-one years” wherever the said words appear therein and by substituting therefor in each case the words “eighteen years”.

Schedule
Three and
forms
amended.

3. (1) Subparagraph (1) of paragraph 20, subparagraph (a) of paragraph 20A, subparagraphs (1) and (1a) of paragraph 33 of *The Canadian Forces Voting Regulations* in SCHEDULE THREE to the said Act and paragraph *5 of Form No. 7 to the said SCHEDULE and paragraph 6 of Form No. 7A to the said SCHEDULE are amended by striking out the words “twenty-one years” wherever the said words appear therein and by substituting therefor in each case the words “eighteen years”; and the said subparagraph (1) of paragraph 33 is further amended by striking out the words “(except in the case referred to in subparagraph (2) of paragraph 20)” and the said Form No. 7 is further amended by striking out, at the end of the said Form, the words “Strike out this line if it is not applicable pursuant to paragraph 20(2) of *The Canadian Forces Voting Regulations*.”

Subparagraph
repealed.

(2) Subparagraph (2) of paragraph 20 of the said Schedule is repealed.

The House of Commons of Canada

THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTES.

The purpose of this Bill is to provide that the age of voters under the *Canada Elections Act* be eighteen years in lieu of twenty-one as at present.

1. (2) This subsection which allowed members of the naval, military or air forces of Canada to vote at an election although they had not attained the full age of twenty-one years is not necessary if the voting age is made eighteen in lieu of twenty-one.

Extending, March 4, 1966

3. (2) This subparagraph is not necessary if the voting age is made eighteen in lieu of twenty-one. (See note above to subsection (2) of section 1.)

C-49.

Third Session, Twenty-Fourth Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-49.

An Act to amend the Statistics Act.

First reading, March 3, 1960.

Mr. DUPUIS.

3rd Session, 24th Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-49.

An Act to amend the Statistics Act.

R.S., c. 257;
1952-53, c. 18.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The *Statistics Act* is amended by adding thereto, immediately after section 33 thereof, the following section: 5
"33A. The Governor in Council may authorize the Minister to have a special investigation made and statistics collected, compiled and published in relation to the opinions of as many Canadian citizens of the age of twenty-one years and over as may reasonably be consulted within a six month 10 period of investigation on the question whether capital punishment in Canada should be abolished or continued and, if continued, in respect of what crime or crimes; and the Governor in Council may prescribe the manner and by what means such investigation shall be made." 15

Capital
punishment
statistics.

Bill No. 100, An Act to Amend the Statistics Act

THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTES.

The purpose of this Bill is to authorize the Governor in Council to obtain a representative poll of public opinion on the question of the abolition of capital punishment in Canada. Section 33 of the *Statistics Act* already provides that the Governor in Council may authorize the Minister of Trade and Commerce to have any special statistical investigations made that is deemed advisable. The proposed new section merely directs the attention of the Governor in Council to a particular investigation.

First reading, March 4, 1930

Mr. [Name]

C-50.

Third Session, Twenty-Fourth Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.
THE HOUSE OF COMMONS OF CANADA.

BILL C-50.

An Act to amend the Industrial Development Bank Act.

First reading, March 4, 1960

Mr. BENIDICKSON.

3rd Session, 24th Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-50.

An Act to amend the Industrial Development Bank Act.

R.S., cc. 151;
326; 1956,
c. 25.

HER Majesty, by and with the advice and consent of
the Senate and House of Commons of Canada, enacts
as follows:

1. Section 2 of the *Industrial Development Bank Act* is
amended by inserting therein after paragraph (d) thereof 5
the following:

“(dd) “industrial enterprise” includes caterers to tourists
and retail merchants;”

THE HOUSE OF COMMONS OF CANADA

BILL C-31

EXPLANATORY NOTES.

1. The present definition of "industrial enterprise" reads as follows:

- "(d) "industrial enterprise" means an enterprise in which is carried on the business of
- (i) manufacturing, processing, assembling, installing, overhauling, reconditioning, altering, repairing, cleaning, packaging, transporting or warehousing of goods,
 - (ii) logging, operating a mine or quarry, drilling, construction, engineering, technical surveys or scientific research,
 - (iii) generating or distributing electricity or operating a commercial air service, or the transportation of persons, or
 - (iv) supplying premises, machinery or equipment for any business mentioned in subparagraph (i), (ii) or (iii) under a lease, contract or other arrangement whereby title to the premises, machinery or equipment is retained by the supplier;"

The purpose of the amendment is to enlarge the classes of loans that may be made under the Act. The inclusion of "caterers to tourists" follows the recommendation of the Committee of the House of Commons on Mines, Forests and Waters of 1959 in its final report.

C-51.

Third Session, Twenty-Fourth Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-51.

An Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1960.

**AS PASSED BY THE HOUSE OF COMMONS,
7th MARCH, 1960.**

3rd Session, 24th Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-51.

An Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1960.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by message from His Excellency, Major-General Georges Philias Vanier, D.S.O., M.C., Governor General of Canada, and the estimates accompanying the said message, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1960, and for other purposes connected with the Public Service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Short title.

1. This Act may be cited as the *Appropriation Act, No. 1, 1960.*

\$32,360,511
granted for
1959-60.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole thirty-two million, three hundred and sixty thousand, five hundred and eleven dollars towards defraying the several charges and expenses of the public service, from the 1st day of April, 1959, to the 31st day of March, 1960, not otherwise provided for, and being the total of the amounts of the items, set forth in the Schedule to this Act.

Purpose and effect of each item.

3. (1) The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein. 5

(2) The provisions of each item in the Schedule shall be deemed to have been enacted by Parliament on the 1st day of April, 1959.

Account to be rendered.

4. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*. 10

As for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1960.

Short Title and Commencement

WHEREAS it appears by a report from His Majesty, W. Major-General George Philip Vacher, C.B.E., M.C., Governor-General of Canada, and the estimates accompanying the said message, that the year from after mentioned are required to defray certain expenses of the public service of Canada, and otherwise provided for, for the financial year ending the 31st day of March, 1960, and for other purposes connected with the Public Service, that it is the duty of Your Majesty, and it may be enacted, and so it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

1. This Act may be cited as the Appropriation Act, 1959.

2. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding the whole thirty-two million, three hundred and sixty thousand, five hundred and seven dollars towards defraying the several charges and expenses of the public service from the 1st day of April, 1958, to the 31st day of March, 1961, not otherwise provided for, and from the balance of the accounts of the items set forth in the Schedule to this Act.

SCHEDULE

Based on the Further Supplementary Estimates (1), 1959-60. The amount hereby granted is \$32,360,511, being the total of the amounts of the items in the Estimates as contained in this Schedule.

SUMS granted to Her Majesty, by this Act for the financial year ending 31st March, 1960, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
AGRICULTURE			
PRODUCTION AND MARKETING BRANCH			
	Health of Animals Division—		
611	Compensation for Animals Slaughtered— Further amount required.....	830,000	
	Plant Products Division—		
612	Freight Assistance on Western Feed Grains—Further amount required.....	3,500,000	
613	Contributions to the Governments of the Provinces of Alberta, Saskatchewan and Manitoba, in accordance with terms and conditions prescribed by the Governor in Council, of one-half the amounts paid by the Govern- ments of those Provinces to farmers in respect of unhar- vested crops to a maximum of \$300 in respect of any one farm; and to authorize, in accordance with terms and conditions prescribed by the Governor in Council, con- tributions to the Governments of those Provinces (or their municipalities) in respect of the administrative costs incurred by them in making such payments to farmers.....	6,000,000	
614	Contributions to the Governments of the Provinces of Alberta, Saskatchewan and Manitoba, in accordance with terms and conditions prescribed by the Minister of Agriculture, of one-half the amounts paid by the Governments of those Provinces in respect of the trans- port of fodder and straw and the movement of cattle to feed in the period from the 12th day of October, 1959, to the 31st day of March, 1960.....	300,000	10,630,000
LABOUR			
A—DEPARTMENT			
SPECIAL SERVICES			
615	Payments to provinces and in respect of Indian Bands under the Municipal Winter Works Incentive Program during the 1959- 60 and 1960-61 fiscal years of amounts not exceeding one-half of the cost of labour incurred in the period from the 1st day of December, 1959, to the 30th day of April, 1960, in accord- ance with terms and conditions approved by the Governor in Council.....		15,000,000

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	LEGISLATION		
	THE SENATE		
616	To authorize payment to each Member of the Senate in the current and subsequent fiscal years, notwithstanding anything in the Senate and House of Commons Act, of an amount equal to the transportation and living expenses of the Member while on the journey from Ottawa to his place of residence and return on each occasion during a Session of Parliament when Parliament is adjourned for Easter or Christmas or, in lieu thereof, on any other occasion during that Session.....	1	
	HOUSE OF COMMONS		
617	To authorize payment to each Member of the House of Commons in the current and subsequent fiscal years, notwithstanding anything in the Senate and House of Commons Act but subject to the approval of the Commissioners of Internal Economy, of an amount equal to the transportation and living expenses of the Member while on the journey from Ottawa to his place of residence and return on each occasion during a Session of Parliament when Parliament is adjourned for Easter or Christmas or, in lieu thereof, on any other occasion during that Session.....	1	2
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
618	Contributions to the Provinces, pursuant to agreements entered into with the approval of the Governor in Council, by Canada with the Provinces, of amounts equal to one-half of the amounts confirmed by the Provinces as having been spent by them for Campground and Picnic Area Developments—Further amount required.....	800,000	
619	Acquisition of the pipelines (including the oil therein) and related facilities that are located in Canada and that belong to the United States Government and form part of what is known as the Canol Pipeline System.....	670,000	
	NATIONAL PARKS BRANCH		
620	National Aviation Museum—Administration, Operation and Maintenance.....	75,000	
	NORTHERN ADMINISTRATION AND LANDS BRANCH		
621	Branch Administration—To extend the purposes of Vote 275 of the Main Estimates for 1959-60 to include a grant of \$2,000 to assist in defraying the expenses of the First International Symposium on Arctic Geology.....	1	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
NORTHERN AFFAIRS AND NATIONAL RESOURCES— <i>Concluded</i>			
FORESTRY BRANCH			
Forestry Operations Division—			
622	Contributions to the Provinces pursuant to agreements entered into with the approval of the Governor in Council by Canada with the Provinces, of amounts equal to one-half of the amounts confirmed by the Provinces as having been spent by them in establishing forest access roads and trails for the attainment of adequate fire protection as well as other aspects of forest management—Further amount required.....	596,000	2,141,001
PRIVY COUNCIL			
SPECIAL			
623	Expenses of the Royal Commission on Coal including the payment, notwithstanding the Civil Service Act, of honoraria or allowances as may be authorized by the Treasury Board, to officers, clerks or employees permanently employed in the Civil Service for services rendered by them to the Commission.....	25,000	
624	Expenses of the Royal Commission on the Great Slave Lake Railway including the payment, notwithstanding the Civil Service Act, of honoraria or allowances as may be authorized by the Treasury Board, to officers, clerks or employees permanently employed in the Civil Service for services rendered by them to the Commission.....	37,000	62,000
PUBLIC WORKS			
PUBLIC BUILDINGS CONSTRUCTION AND SERVICES			
Acquisition, Construction and Improvements of Public Buildings			
625	Construction, acquisition, major repairs and improvements of, and plans and sites for, public buildings listed in the details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects— Outside Canada.....		450,000
TRADE AND COMMERCE			
A—DEPARTMENT			
PENSIONS AND OTHER BENEFITS			
626	To authorize payment of a pension during the current and subsequent fiscal years, notwithstanding anything in the Financial Administration Act or any other Act or Law, to Francis L. Casserly, a former locally-engaged employee, at an annual rate of Jamaican £760, the equivalent in Canadian dollars for the balance of the present fiscal year being estimated at.....		

SCHEDULE—*Concluded*

No. of Vote	Service	Amount	Total
		\$	\$
	TRADE AND COMMERCE— <i>Concluded</i>		
	B—NATIONAL ENERGY BOARD		
627	Administration.....	177,000	177,508
	TRANSPORT		
	A—DEPARTMENT		
	MARINE SERVICES		
628	Marine Service Steamers— Construction or Acquisition of Vessels and Equipment— Further amount required.....	2,500,000	
629	Ship Channel Service—St. Lawrence and Saguenay Rivers— Contract Dredging—Further amount required.....	1,000,000	3,500,000
	LOANS, INVESTMENTS AND ADVANCES		
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
630	Loans to the Government of the Northwest Territories during the current and subsequent fiscal years, in accordance with terms and conditions prescribed by the Governor in Council.....		400,000
			32,360,511

C-52.

Third Session, Twenty-Fourth Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA

THE HOUSE OF COMMONS OF CANADA.

BILL C-52.

An Act to amend the Canada Elections Act
(Publication of Straw Poll Results).

First reading, March 7, 1960.

MR. PETERS.

THE HOUSE OF COMMONS OF CANADA.

THE HOUSE OF COMMONS OF CANADA
BILL C-52.

An Act to amend the Canada Elections Act
(Publication of Straw Poll Results).

R.S., cc. 23,
306, 334, ss.
8, 9; 1952-53,
c.24, s.7;
1955, c.44.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Repeal.

1. Subsection (2) of section 108 of the *Canada Elections Act* is repealed and the following substituted therefor: 5

Premature
publication
of results
of straw vote
forbidden.

“(2) No person, company or corporation shall, in any province after the issue of the writ for an election, or after the dissolution of Parliament or the occurrence of a vacancy in consequence of which a writ for an election is eventually issued, and before the hour of closing of the polls in such province, publish the result or purported result of a straw vote or poll of the political opinions of the electors or any of them in any electoral district or districts in Canada, whether such publication is by radio broadcast, or by newspaper, news-sheet, poster, bill-board, handbill, or in any other manner; any person contravening the provisions of this subsection (and in the case of a company or corporation any person responsible for the contravention thereof) is guilty of an illegal practice and of an offence against this Act. 10 15 20

Definition
of
“broadcast.”

“(3) In this section “broadcast” has the same meaning as “broadcasting” in the *Radio Act*.”

EXPLANATORY NOTE.

The purpose of this amendment is to prohibit, and to make punishable as an illegal practice, the publication in any manner before election day of the results of a straw vote or poll of the political opinions of the electors. The proposed amendment does not prohibit the taking of such a poll for private purposes.

The present subsection (2) is repealed and re-enacted as subsection (3) so as to apply to the proposed new subsection (2) as well as the present subsection (1).

C-53.

Third Session, Twenty-Fourth Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-53.

An Act to amend the National Housing Act, 1954.

First reading, March 11, 1960.

THE MINISTER OF PUBLIC WORKS.

THE HOUSE OF COMMONS OF CANADA.

BILL C-53.

An Act to amend the National Housing Act, 1954.

1953-54, c. 23;
1956, c. 9;
1957-58, c. 18;
1958, c. 3;
1959, c. 6.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1956, c. 9, s. 5.

1. Section 13 of the *National Housing Act, 1954* is repealed and the following substituted therefor:

Aggregate maximum.

"13. Notwithstanding anything in this Act, the aggregate amount of all loans in respect of which insurance policies have been issued under this Act shall not exceed six billion dollars."

1959, c. 6, s. 6.

2. The portion of subsection (1) of section 22 of the said Act that precedes paragraph (a) thereof is repealed and the following substituted therefor:

Advances out of C.R.F.

"22. (1) The Minister may, upon terms and conditions approved by the Governor in Council, out of the Consolidated Revenue Fund, not exceeding in the aggregate one billion five hundred million dollars,"

5

10

15

EXPLANATORY NOTES.

1. Section 13 now reads as follows:

"13. Notwithstanding anything in this Act, the aggregate amount of all loans in respect of which insurance policies have been issued under this Act shall not exceed *four billion dollars.*"

The purpose of the proposed amendment is to increase from four billion to six billion dollars the aggregate maximum amount of insured loans.

2. Subsection (1) of section 22 now reads as follows:

"22. (1) The Minister may, upon terms and conditions approved by the Governor in Council, out of the Consolidated Revenue Fund, not exceeding in the aggregate *one billion dollars,*

- (a) advance moneys to the Corporation for the purpose of making loans under this Part and under sections 40 and 40A,
- (b) reimburse the Corporation for losses sustained in respect of loans made under this Part, and
- (c) advance moneys to the Corporation for the purposes of subsection (1) of section 11."

The purpose of the proposed amendment is to increase from one billion to one and a half billion dollars the maximum amount that may be advanced or paid to the Corporation out of the Consolidated Revenue Fund for the purposes specified in this subsection.

C-54.

Third Session, Twenty-Fourth Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-54.

An Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1961.

**AS PASSED BY THE HOUSE OF COMMONS,
25th MARCH, 1960.**

3rd Session, 24th Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA

BILL C-54.

An Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1961.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by messages from His Excellency, Major-General Georges Philias Vanier, DSO., MC., Governor General of Canada, and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1961, and for other purposes connected with the public service: May it therefore please your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Short title.

1. This Act may be cited as the *Appropriation Act No. 2, 1960.*

\$603,488,902.52
granted for
1960-61.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole six hundred and three million, four hundred and eighty-eight thousand, nine hundred and two dollars and fifty-two cents, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1960, to the 31st day of March, 1961, not otherwise provided for, and being the aggregate of

(a) one-sixth of the total of the amounts of the items set forth in the Main Estimates for the fiscal year ending the 31st day of March, 1961, as laid before the House of Commons at the present session of Parliament, \$593,558,978.34;

- (b) seven-twelfths of the amount of the item in the Main Estimates set forth in Schedule A, \$904,166.67;
- (c) one-third of the amount of the item in the Main Estimates set forth in Schedule B, \$216,666.67;
- (d) one-sixth of the total of the amounts of the several items in the Main Estimates set forth in Schedule C, \$615,247.00; and
- (e) one-twelfth of the total of the amounts of the several items in the Main Estimates set forth in Schedule D, \$8,193,843.84.

Purpose and effect of each item.

3. The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

Power to raise loan of \$1,000,000,000 for public works and general purposes. R.S., c. 116.

4. (1) The Governor in Council may, in addition to the sums now remaining unborrowed and negotiable of the loans authorized by Parliament, by any Act heretofore passed, raise by way of loan, under the *Financial Administration Act*, by the issue and sale or pledge of securities of Canada, in such form, for such separate sums, at such rates of interest and upon such other terms and conditions as the Governor in Council may approve, such sum or sums of money, not exceeding in the whole, the sum of one billion dollars, as may be required for public works and general purposes.

Lapse of prior borrowing powers.

(2) All borrowing powers that are authorized by section 4 of chapter 2 and by section four of chapter 55 of the statutes of 1959 and are outstanding and unused shall expire on the date of the coming into force of this Act.

Account to be rendered. R.S., c. 116.

5. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

SCHEDULE A

Based on the Main Estimates, 1960-61. The amount hereby granted is \$904,166.67, being seven-twelfths of the amount of the item in the said Estimates as contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1961, and the purposes for which it is granted.

No. of Vote	Service	Amount	Total
		\$	\$
	MINES AND TECHNICAL SURVEYS		
	A—DEPARTMENT		
	GENERAL		
212	Purchases of air photography and the expenses of the Inter-departmental Committee on Air Surveys.....		*1,550,000

* Net total \$904,166.67.

SCHEDULE B

Based on the Main Estimates, 1960-61. The amount hereby granted is \$216,666.67, being one-third of the amount of the item in the said Estimates as contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1961, and the purposes for which it is granted.

No. of Vote	Service	Amount	Total
		\$	\$
	ATOMIC ENERGY		
	ATOMIC ENERGY CONTROL BOARD		
36	Grants for Researches and Investigations with respect to Atomic Energy.....		*650,000

* Net total \$216,666.67.

SCHEDULE C

Based on the Main Estimates, 1960-61. The amount hereby granted is \$615,247.00, being one-sixth of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1961, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	LEGISLATION		
	THE SENATE		
176	General Administration.....	734,334	
	HOUSE OF COMMONS		
183	General Administration—Estimates of the Clerk.....	2,085,293	
184	Estimates of the Sergeant-at-Arms.....	871,855	
			*3,691,482

* Net total \$615,247.00.

SCHEDULE D

Based on the Main Estimates, 1960-61. The amount hereby granted is \$8,193,843.84, being one-twelfth of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1961, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	CITIZENSHIP AND IMMIGRATION		
	INDIAN AFFAIRS BRANCH		
62	Education— Administration, Operation and Maintenance.....	19,578,651	
	NATIONAL REVENUE		
	TAXATION DIVISION		
263	District Offices.....	29,576,139	
	PUBLICS WORKS		
	GENERAL		
367	Balances required to complete any projects undertaken in previous fiscal years and for which no specific provision is made in the fiscal year 1960-61.....	800,000	
	TRADE AND COMMERCE		
	A—DEPARTMENT		
	GENERAL ADMINISTRATION		
394	Standards Branch.....	2,450,467	
	VETERANS AFFAIRS		
	Treatment Services—		
460	Operation of Hospitals and Administration, including authority, notwithstanding the Financial Administration Act, to spend revenue received during the year for hospital and related services.....	44,634,594	
463	Prosthetic Services—Supply, Manufacture and Administration including authority, notwithstanding the Financial Administration Act, to spend revenue received during the year for prosthetic and related services.....	1,286,275	
			*98,326,126

* Net total \$8,193,843.84.

C-55.

Third Session, Twenty-Fourth Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-55.

An Act for granting to Her Majesty certain sums of money
for the public service of the financial year ending
the 31st March, 1960.

First reading, March 29, 1960

THE MINISTER OF FINANCE.

THE HOUSE OF COMMONS OF CANADA.

BILL C-55.

An Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1960.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by message from His Excellency, Major-General Georges Philias Vanier, D.S.O., M.C., Governor General of Canada, and the estimates accompanying the said message, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1960, and for other purposes connected with the Public Service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Short title.

1. This Act may be cited as the *Appropriation Act, No. 3, 1960.*

\$117,844,324
granted for
1959-60.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole one hundred and seventeen million, eight hundred and forty-four thousand, three hundred and twenty-four dollars towards defraying the several charges and expenses of the public service, from the 1st day of April, 1959, to the 31st day of March, 1960, not otherwise provided for, and being the total of the amounts of the items, set forth in the Schedule to this Act.

Purpose and
effect of
each item.

3. (1) The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein. 5

(2) The provisions of each item in the Schedule shall be deemed to have been enacted by Parliament on the 1st day of April, 1959.

Account to be
rendered.

4. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*. 10

SCHEDULE

Based on the Further Supplementary Estimates (2), 1959-60. The amount hereby granted is \$117,844,324, being the total of the amounts of the items in the Estimates as contained in this Schedule.

SUMS granted to Her Majesty, by this Act for the financial year ending 31st March, 1960, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
AGRICULTURE			
PRODUCTION AND MARKETING BRANCH			
631	Subsidies for Cold Storage Warehouses under the Cold Storage Act, and Grants, in the amounts detailed in the Estimates—Further amount required.....	187,584	
Health of Animals Division—			
632	Administration of Animal Contagious Diseases Act, and Meat and Canned Foods Act—Further amount required.....	437,000	
633	Payment of compensation to owners of animals affected with diseases coming under the Animal Contagious Diseases Act, which have died or have been slaughtered in circumstances not covered by the above Act and Regulations made thereunder, all as detailed in the Estimates.	8,385	
Livestock Division—			
634	Grants to Agricultural Organizations, as detailed in the Estimates—Further amount required.....	43,000	
635	Quality Premiums on High Grade Hog Carcasses and Administration Costs—Further amount required.....	800,000	
Plant Products Division—			
636	Agricultural Lime Assistance—Further amount required...	325,000	
637	Contributions to the Governments of the Provinces of Manitoba and Saskatchewan, in accordance with terms and conditions prescribed by the Governor-in-Council, of one-half of the amounts paid by the Governments of those Provinces for transporting haying equipment, fodder and livestock to and within those Provinces on and after July 1, 1958—Further amount required.....	13,500	
638	To extend the purposes of Vote 614, Further Supplementary Estimates (1), 1959-60, to include the transport of livestock bedding other than straw.....	1	
SPECIAL			
639	Prairie Farm Assistance Act Administration—Further amount required.....	134,000	
640	Estimated amount required to recoup the Agricultural Commodities Stabilization Account for the net operating loss of the Agricultural Stabilization Board during the fiscal year 1959-60.....	57,661,176	
			59,609,646
BOARD OF BROADCAST GOVERNORS			
641	Salaries and Expenses of the Board—Further amount required.....		23,889
CITIZENSHIP AND IMMIGRATION			
INDIAN AFFAIRS BRANCH			
642	Welfare of Indians—Operation and Maintenance—Further amount required.....		410,000

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
DEFENCE PRODUCTION			
A—DEPARTMENT			
643	Grants to municipalities in lieu of taxes on Crown-owned defence plants operated by private contractors—Further amount required.....		5,021
EXTERNAL AFFAIRS			
B—GENERAL			
NORTH ATLANTIC TREATY ORGANIZATION			
644	Further contribution by the Canadian Government towards the cost of constructing the North Atlantic Treaty Organization Permanent Headquarters—To increase by 248,029 new French francs the amount of the contribution provided for in Vote 92, Main Estimates, 1959-60; the equivalent in Canadian dollars estimated as of March, 1960, is.....	48,018	
INTERNATIONAL CIVIL AVIATION ORGANIZATION			
645	Payment to the International Civil Aviation Organization in part reimbursement of compensation paid its Canadian employees for Quebec income tax for the 1958 taxation year—Further amount required.....	1,427	
SPECIAL			
646	Commonwealth Scholarship Plan.....	11,000	
647	Gift of Uranium to the International Atomic Energy Agency...	61,842	
648	Expenses in connection with Canada's participation in the World Refugee Year and, notwithstanding section 35 of the Financial Administration Act, to authorize payments to be made pursuant to this vote up to the 1st day of April, 1961; there shall be charged to this vote and included in the unexpended balance of Vote 55 of the Main Estimates, 1959-60, an amount equal to the amount spent and charged to that Vote in connection with the World Refugee Year.....	600,000	
649	Canadian Government's Assessment towards financing the United Nations Emergency Force in respect of the calendar year 1960 in the amount of \$307,182 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of March, 1960, which is...	291,919	
650	To reimburse the Agricultural Commodities Stabilization Account for dry skimmed milk donated to international relief agencies, organizations and governments—Further amount required.....	1,064,220	
651	To reimburse the Agricultural Commodities Stabilization Account for canned pork donated to Japan for the relief of typhoon victims.....	60,000	
652	To reimburse the Agricultural Commodities Stabilization Account for canned pork donated to international relief agencies.....	1,096,442	
			3,234,868
FINANCE			
CONTINGENCIES AND MISCELLANEOUS			
653	Telephone Service at Ottawa for all Departments—Further amount required.....	87,000	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
FINANCE—Concluded			
CONTINGENCIES AND MISCELLANEOUS—Concluded			
654	To authorize the Treasury Board to delete from the accounts certain debts due to, and claims of Her Majesty, each of which is in excess of \$1,000, amounting in the aggregate to \$960,734.50.....	1	
SPECIAL			
655	Expenses of the Royal Commission on Canada's Economic Prospects.....	9,450	
656	Contribution to the New Brunswick Fishermen's Disaster Fund.....	50,000	
			146,451
FISHERIES			
SPECIAL			
657	Assistance in the construction of vessels of the dragger or long liner type—Further amount required.....	124,512	
658	To recoup the Lobster Trap Indemnity Account and the Fishing Vessel Indemnity Account established under Vote 540 of the Appropriation Act No. 5, 1955, in respect of losses incurred in the operation of the said Accounts during the fiscal year 1959-60 and in the amounts detailed in the Estimates.....	87,310	
			211,822
JUSTICE			
A—DEPARTMENT			
659	Exchequer Court of Canada—Administration—Further amount required.....	10,000	
660	Northwest Territories—Administration of Justice in the Northwest Territories, including the Northwest Territories Territorial Court—Further amount required.....	7,300	
661	Combines Investigation Act—Office of Investigation and Research—Further amount required.....	35,000	
			52,300
LEGISLATION			
THE SENATE			
662	General Administration—Further amount required.....	55,000	
HOUSE OF COMMONS			
663	General Administration—Estimates of the Clerk—Further amount required.....	85,000	
664	To provide, notwithstanding the Public Service Superannuation Act, that Lieutenant-Colonel W. J. Franklin, who purported to elect, on the 16th day of February, 1960, pursuant to subsection (2) of section 40 of that Act, to continue to be a participant under Part II thereof, shall be deemed to have elected, within the period prescribed by the said subsection, to continue to be a participant if, before the 1st day of May, 1960, he contributes to the Consolidated Revenue Fund an amount equal to the amount that he would have been required to contribute had he elected within the said period.	1	
			140,001

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
MINES AND TECHNICAL SURVEYS			
A—DEPARTMENT			
SURVEYS AND MAPPING BRANCH			
665	Geodetic Survey of Canada—Further amount required.	47,800	
666	Canadian Hydrographic Service— Administration, Operation and Maintenance—Further amount required, including approval of a grant in the amount of \$21,250 made to the University of Toronto towards the cost of a geophysical program in the Great Lakes.	392,250	
GEOGRAPHICAL BRANCH			
667	Administration, Operation and Maintenance—Further amount required.	27,205	
GENERAL			
668	Polar Continental Shelf Project—Further amount required.	376,622	
B—DOMINION COAL BOARD			
669	Payments in connection with the movements of coal under con- ditions prescribed by the Governor in Council—Further amount required.	1,069,866	1,913,743
NATIONAL DEFENCE			
PENSIONS AND OTHER BENEFITS			
670	To authorize payment to Mrs. Jessie Vernice Ward during the current and subsequent fiscal years of a pension calculated at the rate of \$949.00 per annum with effect from the 28th day of June, 1955; and a further payment to her, as an increase in the pension, calculated at the rate of \$303.67 per annum for the period from the 1st day of July, 1958, to the 31st day of March, 1960, and thereafter the pension shall be increased in accord- ance with the Public Service Pension Adjustment Act.	5,048	
671	Defence Services Pension Act— To authorize payment of an amount of \$1,431.02 (to be charged to the Permanent Services Pension Account) to former Flying Officer T. R. Dunbar (33732) in an amount equal to the difference between the gratuity which was paid to him under section 51 of the Defence Services Pension Act and the amount he would have received had he been paid a gratuity equal to his con- tributions under section 52 of the said Act.	1	5,049
NORTHERN AFFAIRS AND NATIONAL RESOURCES			
WATER RESOURCES BRANCH			
672	Saint John River—Federal expenditures in connection with in- vestigations to be carried out by the Saint John River Board—Further amount required.	25,000	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
NORTHERN AFFAIRS AND NATIONAL RESOURCES— <i>Concluded</i>			
NORTHERN ADMINISTRATION AND LANDS BRANCH			
Northwest Territories and Other Field Services—			
673	Operation and Maintenance—To extend the purposes of Vote 278 of the Main Estimates for 1959-60 to include the contribution detailed in these Estimates.....	1	
FORESTRY BRANCH			
674	Contributions to the Provinces for assistance in forest inventory, reforestation and forest fire protection in accordance with agreements entered into by Canada and the Provinces—Further amount required.....	100,000	125,001
POST OFFICE			
675	Transportation—Movement of Mail by Land, Air and Water, including Administration—Further amount required.....		2,344,000
PRIVY COUNCIL			
SPECIAL			
676	Expenses of the Royal Commission on the Great Slave Lake Railway including the payment, notwithstanding the Civil Service Act, of honoraria or allowances as may be authorized by the Treasury Board, to officers, clerks or employees permanently employed in the Civil Service for services rendered by them to the Commission—Further amount required.....	7,500	
677	Expenses pertaining to the visit to Canada in 1959 of her Majesty The Queen and His Royal Highness The Prince Philip, Duke of Edinburgh, including authority, notwithstanding the Civil Service Act or any other Act but subject to the approval of Treasury Board, to appoint and to pay persons to be engaged temporarily in connection therewith—Further amount required.....	43,000	
NATIONAL CAPITAL COMMISSION			
678	Interest charges on outstanding loans that were made for the purpose of acquiring property in the National Capital Region—Further amount required.....	110,000	160,500
PUBLIC PRINTING AND STATIONERY			
679	Printing of Canada Gazette—Further amount required.....	21,000	
680	Printing and Binding the Annual Statutes—Further amount required.....	13,000	34,000

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	PUBLIC WORKS		
	PUBLIC BUILDINGS CONSTRUCTION AND SERVICES		
	Acquisition, Construction and Improvements of Public Buildings		
	Construction, acquisition, major repairs and improvements of, and plans and sites for, public buildings listed in the details of the Estimates, provided that Treasury Board may in- crease or decrease the amount within the vote to be expen- ded on individual listed projects—Further amount required		
681	—Ontario (other than Ottawa).....	1	
	HARBOURS AND RIVERS ENGINEERING SERVICES		
	Acquisition, Construction and Improvements of Harbour and River Works		
	Construction, acquisition, major repairs and improvements of, and plans and sites for, harbour and river works listed in the details of the Estimates provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects— Further amounts required—		
682	Nova Scotia.....	1	
683	Quebec.....	1	
			3
	ROYAL CANADIAN MOUNTED POLICE		
684	Land, Air and Training Divisions—Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	164,000	
685	Reimbursement of the Royal Canadian Mounted Police Revolv- ing Fund for the value of cloth which has become obsolete, unserviceable, lost or destroyed.....	878	
			164,878
	SECRETARY OF STATE		
	PATENT AND COPYRIGHT OFFICE		
686	Patent Division—Further amount required.....	248,500	
	SPECIAL		
687	Special expenditure in connection with a Commission under the Inquiries Act to inquire into the workings of the Patent Act, the Copyright Act, the Industrial Designs Act, and other related legislation—Further amount required.....	13,000	
			261,500
	TRADE AND COMMERCE		
	GENERAL ADMINISTRATION		
688	Exhibitions Branch—Further amount required.....		63,400

STANDARDIZATION OF THE CURRICULUM

Year	Period	Notes
		<p>1910-1911</p> <p>1911-1912</p> <p>1912-1913</p> <p>1913-1914</p> <p>1914-1915</p> <p>1915-1916</p> <p>1916-1917</p> <p>1917-1918</p> <p>1918-1919</p> <p>1919-1920</p> <p>1920-1921</p> <p>1921-1922</p> <p>1922-1923</p> <p>1923-1924</p> <p>1924-1925</p> <p>1925-1926</p> <p>1926-1927</p> <p>1927-1928</p> <p>1928-1929</p> <p>1929-1930</p> <p>1930-1931</p> <p>1931-1932</p> <p>1932-1933</p> <p>1933-1934</p> <p>1934-1935</p> <p>1935-1936</p> <p>1936-1937</p> <p>1937-1938</p> <p>1938-1939</p> <p>1939-1940</p> <p>1940-1941</p> <p>1941-1942</p> <p>1942-1943</p> <p>1943-1944</p> <p>1944-1945</p> <p>1945-1946</p> <p>1946-1947</p> <p>1947-1948</p> <p>1948-1949</p> <p>1949-1950</p> <p>1950-1951</p> <p>1951-1952</p> <p>1952-1953</p> <p>1953-1954</p> <p>1954-1955</p> <p>1955-1956</p> <p>1956-1957</p> <p>1957-1958</p> <p>1958-1959</p> <p>1959-1960</p> <p>1960-1961</p> <p>1961-1962</p> <p>1962-1963</p> <p>1963-1964</p> <p>1964-1965</p> <p>1965-1966</p> <p>1966-1967</p> <p>1967-1968</p> <p>1968-1969</p> <p>1969-1970</p> <p>1970-1971</p> <p>1971-1972</p> <p>1972-1973</p> <p>1973-1974</p> <p>1974-1975</p> <p>1975-1976</p> <p>1976-1977</p> <p>1977-1978</p> <p>1978-1979</p> <p>1979-1980</p> <p>1980-1981</p> <p>1981-1982</p> <p>1982-1983</p> <p>1983-1984</p> <p>1984-1985</p> <p>1985-1986</p> <p>1986-1987</p> <p>1987-1988</p> <p>1988-1989</p> <p>1989-1990</p> <p>1990-1991</p> <p>1991-1992</p> <p>1992-1993</p> <p>1993-1994</p> <p>1994-1995</p> <p>1995-1996</p> <p>1996-1997</p> <p>1997-1998</p> <p>1998-1999</p> <p>1999-2000</p> <p>2000-2001</p> <p>2001-2002</p> <p>2002-2003</p> <p>2003-2004</p> <p>2004-2005</p> <p>2005-2006</p> <p>2006-2007</p> <p>2007-2008</p> <p>2008-2009</p> <p>2009-2010</p> <p>2010-2011</p> <p>2011-2012</p> <p>2012-2013</p> <p>2013-2014</p> <p>2014-2015</p> <p>2015-2016</p> <p>2016-2017</p> <p>2017-2018</p> <p>2018-2019</p> <p>2019-2020</p> <p>2020-2021</p> <p>2021-2022</p> <p>2022-2023</p> <p>2023-2024</p> <p>2024-2025</p>

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	TRANSPORT		
	A—DEPARTMENT		
	CANAL SERVICES		
689	Payment to the Canada Starch Company, in accordance with terms and conditions approved by the Governor in Council, as part of the cost of construction of dykes and other works erected as a result of the St. Lawrence Seaway and Power Development, to prevent flooding of land owned by the Crown and leased to the Company, and in lieu of compensation otherwise payable by the Crown to the Company on cancellation of the lease.....	955,048	
	MARINE SERVICES		
690	Nautical Services, including Canada's share of the cost of the North Atlantic Ice Patrol; grants and contributions as detailed in the Estimates; rewards for saving life from vessels in distress; subsidy to a salvage company; and the payment of expenses, including excepted expenses, incurred in respect of Canadian distressed seamen as defined in section 306 of the Canada Shipping Act—Further amount required.....	4,880	
	RAILWAY AND STEAMSHIP SERVICES		
	Payments to the Canadian National Railway Company (hereinafter called the Company) upon applications approved by the Minister of Transport, made by the Company to the Minister of Finance, to be applied by the Company in payment of the deficits, certified by the auditors of the Company, arising in the operations in the calendar year 1959—Further amounts required—		
691	Prince Edward Island Car Ferry and Terminals.....	825,090	
692	Newfoundland Ferry and Terminals.....	649,886	
693	Construction or Acquisition of Auto-Ferry Vessels and Equipment—To extend the purposes of Vote 415 of the Main Estimates, 1959-60, to include the vessel detailed in these Estimates.....	1	
694	Yarmouth, Nova Scotia—Bar Harbour, Maine, U.S.A., Ferry Service—Deficit 1959—Further amount required.....	63,203	
695	Degaussing Canadian-owned merchant ships of 1,000 gross tons and over, of Canadian registry, or of United Kingdom registry if subject to re-transfer to Canadian registry under special inter-governmental arrangement—To extend the purposes of Vote 418 of the Main Estimates, 1959-60, to include Canadian Government vessels.....	1	
696	Maritime Freight Rates Act—Payment to the Railway Companies operating in the select territory designated by the Act, of the difference occurring on account of the application of the Act, between the tariff tolls and normal tolls under approved tariffs (estimated and certified to the Minister of Transport by the Canadian National Railway Company and approved by auditors of the said Company respecting the Eastern Lines of the Canadian National Railways and in the case of the Other Railways by the Board of Transport Commissioners for Canada) on all traffic moved during the calendar year 1959—Further amount required.....	179,500	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	TRANSPORT—Continued		
	A—DEPARTMENT—Continued		
	RAILWAY AND STEAMSHIP SERVICES—Concluded		
697	To authorize the Governor in Council to grant to Canadian National Railway Company a subsidy of \$25,000 per mile, but not exceeding \$7,450,000, towards the construction of the line of railway referred to in Chapter 49 of the Statutes of Canada, 1953-54, as Branch Line Number 1 (described approximately as a line of railway from St. Felicien to Chibougamau and from Chibougamau to Beattyville in the Province of Quebec); such grant of subsidy to be made in such manner and in such amounts and subject to such conditions, if any, as the Governor in Council deems expedient—Further amount required.....	35,750	
698	Canadian National Railways Deficit, 1959—Amount required to provide for payment to the Canadian National Railway Company (hereinafter called the National Company) upon applications approved by the Minister of Transport, made by the National Company to the Minister of Finance, and to be applied by the National Company in payment of the system deficit (certified by the Auditors of the National Company) arising in the calendar year 1959 subject to recovery therefrom of accountable advances made to the National Company from the Consolidated Revenue Fund..	43,588,290	
	PENSIONS AND OTHER BENEFITS		
699	Supplemental Pension Allowances to former employees of Newfoundland Railways, Steamships and Telecommunication Services transferred to Canadian National Railways—Further amount required.....	11,337	
	GENERAL		
700	Reimbursement of the Department of Transport Stores Account for the value of stores which have become obsolete, unserviceable, lost or destroyed.....	221,348	
701	Payment to the Lakehead Harbour Commissioners of an amount equal to the aggregate of the amounts that were collected by the Department of Transport at the harbours of Fort William and Port Arthur, Ontario, as "harbour dues" or "wharfage" during the period from February 1, 1959, to January 14, 1960 (all amounts so collected shall be deemed to have been legally payable if they would have been legally payable had the Lakehead Harbour Commissioners Act not come into force until the 14th day of January, 1960).....	25,734	
	AIR SERVICES		
	Telecommunications Branch		
702	Radio Aids to Air and Marine Navigation— Construction or Acquisition of Buildings, Works, Land and Equipment—To extend the purposes of Vote 427 of the Main Estimates for 1959-60 to include the construction of works during the current and subsequent fiscal years on Anticosti Island on land owned by the Consolidated Paper Corporation Limited.....	1	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	TRANSPORT— <i>Concluded</i>		
	A—DEPARTMENT— <i>Concluded</i>		
	AIR SERVICES— <i>Concluded</i>		
	Telecommunications Branch— <i>Concluded</i>		
703	Radio Act and Regulations— Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required	50,000	
	Civil Aviation Branch		
704	Construction or Acquisition of Buildings, Works, Land and Equipment—To extend the purposes of Vote 437 of the Main Estimates, 1959-60, to include construction work on local roads providing access to the new air terminal at Ottawa Airport, a contribution to the Province of British Columbia in the amount of \$22,500 towards construction of a by-pass road at Terrace Airport, British Columbia, and authority to charge to that Vote the cost of lands purchased, by means of loans provided for the acquisition of land required to control properties in the vicinity of main terminal airports in order to prevent the erection of hazards to flying and for future development of new and existing main terminal air- ports including facilities for relieving congestion thereat, that are not held for resale	1	
	B—GENERAL		
	AIR TRANSPORT BOARD		
705	Salaries and Other Expenses, including the Canadian Delegation to the International Civil Aviation Organization—Further amount required	23,300	
	CANADIAN MARITIME COMMISSION		
706	Steamship Subventions for Coastal Services, as detailed in the Estimates—Further amount required	1,095,154	47,728,524
	VETERANS AFFAIRS		
707	Prosthetic Services—Supply, Manufacture and Administration— Further amount required	106,000	
	WAR VETERANS ALLOWANCES AND OTHER BENEFITS		
708	Assistance Fund (War Veterans Allowances)—Further amount required	75,000	181,000

SCHEDULE—*Concluded*

No. of Vote	Service	Amount	Total
		\$	\$
	LOANS, INVESTMENTS AND ADVANCES		
	EXTERNAL AFFAIRS		
709	Additional advance to the working capital fund of the United Nations Organization in the amount of \$30,230 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars estimated as of March, 1960, which is.....	28,728	
	TRANSPORT		
710	To increase to \$7,000,000 the amount that may be charged at any time to the revolving fund mentioned in subsection (2) of section 101 of the Financial Administration Act, Chap. 12, Statutes of 1951 (2nd Session), and extended by Vote 630 of the Appropriation Act No. 2, 1955, and Vote 662 of the Appropriation Act No. 5, 1958; additional amount required.	1,000,000	
			1,028,728
			117,844,324

C-56.

Third Session, Twenty-Fourth Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-56.

An Act to amend the Federal-Provincial Tax-Sharing
Arrangements Act.

First reading, April 1, 1960.

THE MINISTER OF FINANCE.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

THE HOUSE OF COMMONS OF CANADA.

BILL C-56.

An Act to amend the Federal-Provincial Tax-Sharing Arrangements Act.

1956, c. 29;
1957-58, c. 29;
1959, c. 26.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Subsection (3) of section 6 of the *Federal-Provincial Tax-Sharing Arrangements Act* is repealed and the following substituted therefor: 5

Amendment
of
agreements.

“(3) The Minister, with the approval of the Governor in Council, may on behalf of the Government of Canada enter into an agreement, not inconsistent with the provisions of this Act, amending the terms and conditions of a tax rental agreement, or, in accordance with and subject to such terms and conditions as may be so approved, varying a tax rental agreement to provide, in respect of any calendar year ending in a fiscal year for which a province is a province described in subparagraph (ii) of paragraph (b) of subsection (1) of section 9A, for the deletion from the classes of taxes and duties from the levying of which the province has agreed to refrain, of the class of taxes specified in paragraph (b) of subsection (1) of this section.” 10 15

2. The said Act is further amended by adding thereto, immediately after section 9 thereof, the following heading and section: 20

“GRANTS TO UNIVERSITIES.

Definitions.
“Founda-
tion”.

9A. (1) In this section,
(a) “Foundation” means the Canadian Universities Foundation incorporated by letters patent dated the 4th day of February, 1959, under the seal of the Secretary of State of Canada; and 25

EXPLANATORY NOTES.

The purpose of clauses 1 and 2 of this Bill is to provide certain alternative arrangements for payment, either by Canada through the Canadian Universities Foundation or directly by a province, of the grants to institutions of higher learning presently paid under the authority of the Appropriation Act.

1. Subsection (3) of section 6 as enacted by chapter 29 of the Statutes of 1956 presently reads as follows:

"(3) The Minister, with the approval of the Governor in Council, may, on behalf of the Government of Canada, enter into an agreement, not inconsistent with the provisions of this Act, amending the terms and conditions of a tax rental agreement."

2. Section 9A is new.

“Prescribed province.”

(b) “prescribed province” means a province prescribed by a regulation made on the recommendation of the Minister for a fiscal year commencing on or after the first day of April, 1960 as a province

(i) that has not entered into a tax rental agreement under which the province agrees to refrain from levying corporation income taxes in respect of the calendar year ending in that fiscal year or that has entered into an agreement varying a tax rental agreement to provide, in respect of that calendar year, for the deletion from the classes of taxes and duties from the levying of which the province has agreed to refrain, of the class of taxes specified in paragraph (b) of subsection (1) of section 6, and

(ii) in which, for that fiscal year, satisfactory arrangements exist in the opinion of the Minister for the payment by the province directly to institutions of higher learning in the province, in accordance with and subject to terms and conditions not inconsistent with those contained in any agreement entered into under subsection (2), of amounts by way of grants in addition to any grants made by the province to such institutions as part of its ordinary expenditure, the total of which amounts is equal to or greater than an amount calculated by multiplying the population of the province for the calendar year ending in that fiscal year by one dollar and fifty cents.

Payments to the Foundation.

(2) The Minister, with the approval of the Governor in Council, may on behalf of the Government of Canada enter into an agreement with the Foundation, providing, for any fiscal year commencing on or after the first day of April, 1960, for the payment of amounts to the Foundation for the purpose of making grants to institutions of higher learning in any province that is not, for that fiscal year, a prescribed province, in accordance with and subject to such terms and conditions as may be so approved, and providing that the total amount of grants to all institutions of higher learning in any one such province for that fiscal year shall be an amount calculated by multiplying the population of the province for the calendar year ending in that fiscal year by one dollar and fifty cents.

Payments to prescribed provinces of amount of excess; recovery of excess, etc.

(3) Where a province was, for any fiscal year commencing on or after the first day of April, 1960, a prescribed province,

(a) the Minister may pay to the province in respect of that fiscal year any amount by which an amount calculated by multiplying the population of the province for the calendar year ending in that fiscal

year by one dollar and fifty cents exceeds one-ninth of the standard corporation income tax as applied to the province for that fiscal year, and

(b) there may be deducted from any payment to the province under this Act or otherwise recovered as a debt due to Canada by the province, any amount by which one-ninth of the standard corporation income tax as applied to the province for that fiscal year exceeds an amount calculated by multiplying the population of the province for the calendar year ending in that fiscal year by one dollar and fifty cents."

1959, c. 26,
s. 1.

Alteration
of Act in its
application
to fiscal
years ending
March 31,
1962.

3. Section 12 of the said Act is repealed and the following substituted therefor:

"**12.** In its application to each of the fiscal years in the period commencing on the 1st day of April, 1958, and ending on the 31st day of March, 1962, paragraph (f) of subsection (1) of section 2 shall, for the purposes of this Act and any tax rental agreement, be read and construed as if for the words "ten per cent" therein there were substituted the words "thirteen per cent"."

1959, c. 26,
s. 1.

Alteration
of Act in its
application
to fiscal
years ending
March 31,
1962.

CONFIDENTIAL

C-87

First reading, Twenty-Ninth Parliament, Session I, December 11, 1960.

THE HOUSE OF COMMONS OF CANADA

3. Section 12 as enacted by chapter 26 of the Statutes of 1959 presently reads as follows:

"12. In its application to each of the fiscal years in the period commencing on the 1st day of April, 1958, and ending on the 31st day of March, 1960, paragraph (f) of subsection (1) of section 2 shall, for the purposes of this Act and any tax rental agreement, be read and construed as if for the words "ten per cent" therein there were substituted the words "thirteen per cent"."

The effect of the proposed amendment will be to extend for a further period of two years the rate of 13% for standard individual income tax for the purpose of calculating the tax equalization payments to the provinces and the amounts payable to the provinces under the tax rental agreements.

First reading, April 1, 1961.

The Minister of Finance

CONFIDENTIAL.

C-57.

Third Session, Twenty-Fourth Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-57.

An Act to amend the Trans-Canada Highway Act.

First reading, April 1, 1960.

THE MINISTER OF PUBLIC WORKS.

3rd Session, 24th Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-57.

An Act to amend the Trans-Canada Highway Act.

R.S., c. 269;
1956, c. 12;
1959, c. 10.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1956, c. 12,
s. 2.

1. Subsection (4) of section 4 of the *Trans-Canada Highway Act* is repealed and the following substituted therefor: 5

Termination
of contribu-
tions.

“(4) No contributions or payments shall be made under this Act

(a) after the 31st day of May, 1964, or

(b) in respect of any construction costs that were incurred after the 31st day of December, 1963.” 10

1959, c. 10.

2. Section 7 of the said Act is repealed and the following substituted therefor:

Aggregate
limited to
\$400,000,000.

“7. The aggregate of all expenditures under sections 4, 5 and 6 shall not exceed four hundred million dollars.” 15

EXPLANATORY NOTES.

1. Subsection (4) of section 4 presently reads as follows:

- "(4) No contributions or payments shall be made under this Act
(a) after the 31st day of May, 1961, or
(b) in respect of any construction costs that were incurred after the 31st day of December, 1960."

This amendment would extend for three years the period during which contributions or payments may be made to the provinces under the Act and would prolong for three years the period in respect of which construction costs may be incurred under this Act.

2. The present section 7 reads as follows:

"7. The aggregate of all expenditures under sections 4, 5 and 6 shall not exceed *three hundred and fifty* million dollars."

The purpose of the amendment is to increase by fifty million dollars the amount of the expenditures authorized by sections 4, 5 and 6.

C-58.

Third Session, Twenty-Fourth Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-58.

An Act to amend the Combines Investigation Act
and the Criminal Code.

First reading, May 6, 1960.

THE MINISTER OF JUSTICE.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

3rd Session, 24th Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-58.

An Act to amend the Combines Investigation Act and the Criminal Code.

R.S., c. 314;
1953-54, c. 51.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. (1) Paragraph (a) of section 2 of the *Combines Investigation Act* is repealed and the following substituted therefor: 5

"Article."

"(a) "article" means an article or commodity that may be the subject of trade or commerce;

"Business."

(aa) "business" means the business of manufacturing, producing, transporting, purchasing, supplying, selling, storing or dealing in articles;" 10

(2) Paragraphs (e) and (f) of section 2 of the said Act are repealed and the following substituted therefor:

"Merger."

"(e) "merger" means the acquisition by one or more persons, whether by purchase or lease of shares or assets or otherwise, of any control over or interest in the whole or part of the business of a competitor, supplier, customer or any other person, whereby competition (i) in a trade or industry, (ii) among the sources of supply of a trade or industry, or (iii) among the outlets for sales of a trade or industry, 15

is or is likely to be lessened to the detriment or against the interest of the public, whether consumers, producers or others;" 25

"Monopoly."

(f) "monopoly" means a situation where one or more persons either substantially or completely control throughout Canada or any area thereof the class or species of business in which they are engaged and have operated such business or are likely to operate it to the detriment or against the interest of the public, whether consumers, producers or others;" 30

EXPLANATORY NOTES.

1. (1) Paragraph (a) now reads as follows:

- "(a) "combine" means a combination having relation to any commodity which may be the subject of trade or commerce, of two or more persons by way of actual or tacit contract, agreement or arrangement having or designed to have the effect of
- (i) limiting facilities for transporting, producing, manufacturing, supplying, storing or dealing, or
 - (ii) preventing, limiting or lessening manufacture or production, or
 - (iii) fixing a common price or a resale price, or a common rental, or a common cost of storage or transportation, or
 - (iv) enhancing the price, rental or cost of article, rental, storage or transportation, or
 - (v) preventing or lessening competition in, or substantially controlling within any particular area or district or generally, production, manufacture, purchase, barter, sale, storage, transportation, insurance or supply, or
 - (vi) otherwise restraining or injuring trade or commerce, or a merger, trust or monopoly, which combination, merger, trust or monopoly has operated or is likely to operate to the detriment or against the interest of the public, whether consumers, producers or others;"

By clause 13 of this Bill section 411 of the *Criminal Code* will be incorporated in the *Combines Investigation Act*, in section 32. Section 411 of the *Criminal Code* creates and defines the offence of combination, and covers substantially the same ground in the combination field as does the present definition in section 2 of the Act. The *Criminal Code* section 411 is the more effective provision and is the one under which most recent prosecutions in respect of combinations have been instituted and under which the existing jurisprudence has been established. Since this provision is being incorporated into the *Combines Investigation Act* and since it contains a complete and effective definition of the offence, the definition of "combine" presently contained in the *Combines Investigation Act* becomes redundant and is accordingly being dropped.

The definition of "article" comes from section 411 of the *Criminal Code*. The definition of "business" comes from the present definition of "merger".

(2) The present paragraphs (e) and (f) of section 2 are as follows:

"(e) "merger, trust or monopoly" means one or more persons

- (i) who has or have purchased, leased or otherwise acquired any control over or interest in the whole or part of the business of another, or
- (ii) who either substantially or completely control throughout any particular area or district in Canada or throughout Canada the class or species of business in which he is or they are engaged, and extends and applies only to the business of manufacturing, producing, transporting, purchasing, supplying, storing or dealing in commodities which may be the subject of trade or commerce; but this paragraph shall not be construed or applied so as to limit or impair any right or interest derived under the *Patent Act*, or under any other statute of Canada; and

(f) "Minister" means the Minister of Justice".

"Minister."
"Trade or
industry."

- (g) "Minister" means the Minister of Justice; and
(h) "trade or industry" includes any class, division or branch of a trade or industry."

1953-54, c. 51,
s. 750(1).

2. Section 7 of the said Act is repealed and the following substituted therefor:

Application
for inquiry.

"7. (1) Any six persons, Canadian citizens, resident in Canada, of the full age of twenty-one years, who are of the opinion that an offence under Part V has been or is about to be committed may apply to the Director for an inquiry into such matter.

Material to
be submitted.

(2) The application shall be accompanied by a statement in the form of a solemn or statutory declaration showing

- (a) the names and addresses of the applicants, and at their election the name and address of any one of their number, or of any attorney, solicitor or counsel, whom they may, for the purpose of receiving any communication to be made pursuant to this Act, have authorized to represent them;
(b) the nature of the alleged offence and the names of the persons believed to be concerned therein and privy thereto; and
(c) a concise statement of the evidence supporting their opinion that the offence has been or is about to be committed."

1953-54, c. 51,
s. 750(1).

3. Paragraphs (b) and (c) of section 8 of the said Act are repealed and the following substituted therefor:

"(b) whenever he has reason to believe that any provision in Part V has been or is about to be violated, or

- (c) whenever he is directed by the Minister to inquire whether any provision in Part V has been or is about to be violated,"

1953-54, c. 51,
s. 750(1).

4. Subsection (2) of section 11 of the said Act is repealed and the following substituted therefor:

Copies.

"(2) The Director may have copies made (including copies by any process of photographic reproduction) of any books, papers, records or other documents referred to in subsection (1), and such copies, upon proof orally or by affidavit that they are true copies, in any proceedings under this Act are admissible in evidence and have the same probative force as the originals in all cases in which and for all purposes for which such originals would have been received; where such evidence is offered by affidavit it is not necessary to prove the signature or official character of the deponent if that information is set forth in the affidavit or to prove the signature or official character of the person before whom such affidavit was sworn."

The purpose of these amendments is to clarify the definitions of mergers and monopolies.

The definition of "trade or industry" is new.

2. The present section 7 now reads:

"7. (1) Any six persons, Canadian citizens, resident in Canada, of the full age of twenty-one years, who are of the opinion that an offence has been or is being committed against section 32 or 34 of this Act, or section 411 or 412 of the Criminal Code, may apply to the Director for an inquiry into such matter, and shall place before the Director the evidence on which such opinion is based.

(2) The application shall be accompanied by a statement in the form of a solemn or statutory declaration showing

(a) the names and addresses of the applicants, and at their election the name and address of any one of their number, or of any attorney, solicitor or counsel, whom they may, for the purpose of receiving any communication to be made pursuant to this Act, have authorized to represent them; and

(b) the nature of the alleged offence and the names of the persons believed to be concerned therein and privy thereto;

and, if the application relates to an offence against section 32, the manner in which, and where possible the extent to which, the alleged combine is believed to operate or to be likely to operate to the detriment or against the interest of the public whether consumers, producers or others."

Sections 411 and 412 of the *Criminal Code* are being transferred to the *Combines Investigation Act*. It is therefore necessary to amend the cross-references to those sections throughout the Act and at the same time a number of clarifying amendments are being made.

3. Section 8 now reads as follows:

"8. The Director shall

(a) on application made under section 7,

(b) whenever he has reason to believe that section 32 or 34 of this Act or section 411 or 412 of the *Criminal Code* has been, is being or is about to be violated, or

(c) whenever he is directed by the Minister to inquire whether any of the sections mentioned in paragraph (b) has been, is being or is about to be violated,

cause an inquiry to be made into all such matters as he considers necessary to inquire into with the view of determining the facts."

The amendment merely changes the cross-references as in clause 2.

4. The present subsection (2) of section 11 is as follows:

"(2) The Director may have copies made (including copies by any process of photographic reproduction) of any books, papers, records or other documents referred to in subsection (1), and such copies, upon proof orally or by affidavit that they are true copies, in any proceedings under this Act or under section 411 or 412 of the *Criminal Code*, are admissible in evidence and have the same probative force as the originals in all cases in which and for all purposes for which such originals would have been received; where such evidence is offered by affidavit it is not necessary to prove the signature or official character of the deponent if that information is set forth in the affidavit or to prove the signature or official character of the person before whom such affidavit was sworn."

The only change is in the cross-references.

5. Section 13 of the said Act is repealed and the following substituted therefor:

Counsel.

“13. Whenever in the opinion of the Minister the public interest so requires, he may appoint and instruct counsel to assist in an inquiry under this Act.”

5

1953-54, c. 51, s. 750(1).

6. Subsection (1) of section 15 of the said Act is repealed and the following substituted therefor:

Reference to Attorney General of Canada.

“15. (1) The Director may, at any stage of an inquiry, and in addition to or in lieu of continuing the same, remit any records, returns or evidence to the Attorney General of Canada for consideration as to whether an offence has been or is about to be committed against any of the provisions of this Act, and for such action as the Attorney General of Canada may be pleased to take.”

10

1953-54, c. 51, s. 750(1).

7. Subsection (5) of section 17 of the said Act is repealed and the following substituted therefor:

Delivery to Director of seized articles.

“(5) A justice before whom any thing seized pursuant to a search warrant issued with reference to an offence against any of the provisions of this Act is brought may, on the application of the Director, order that such thing be delivered to the Director, and the Director shall deal with any thing so delivered to him as if delivery of it had been made to him pursuant to subsection (4).”

20

1953-54, c. 51, s. 750(2).

8. Paragraph (a) of subsection (1) of section 18 of the said Act is repealed and the following substituted therefor:

“(a) the Director may, if he is of the opinion that the evidence obtained discloses a situation contrary to any provision in Part V, and”

25

9. Section 19 of the said Act is amended by adding thereto, immediately after subsection (1) thereof, the following subsection:

30

Findings to be included in report.

“(1a) Where it appears from proceedings taken under section 18 that a conspiracy, combination, agreement or arrangement has existed, the report under subsection (1) of

5. The present section 13 is as follows:

"13. Whenever in the opinion of the *Director* the public interest so requires, the *Director* may apply to the *Minister* to instruct counsel to assist in an inquiry and upon such application the *Minister* may instruct counsel accordingly."

The proposed amendment will enable counsel to be employed on the recommendation of the Commission as well as the Director.

6. Section 15(1) now provides:

"15. (1) The Director may, at any stage of an inquiry, and in addition to or in lieu of continuing the same, remit any records, returns or evidence to the Attorney General of Canada for consideration as to whether an offence has been committed against any of the provisions of this Act or section 411 or 412 of the *Criminal Code*, and for such action as the Attorney General of Canada may be pleased to take.

7. The present subsection (5) of section 17 is as follows:

"(5) A justice before whom any thing seized pursuant to a search warrant issued with reference to an offence against this Act or section 411 or 412 of the *Criminal Code* is brought may, on the application of the Director, order that such thing be delivered to the Director, and the Director shall deal with any thing so delivered to him as if delivery of it had been made to him pursuant to subsection (4)."

The only change is in the cross-references.

8. Subsection (1) of section 18 now reads as follows:

"18. (1) At any stage of an inquiry,

(a) the Director may, if he is of the opinion that the evidence obtained discloses a situation contrary to section 32 or 34 of this Act, or section 411 or 412 of the *Criminal Code*, and

(b) the Director shall, if so required by the Minister,

prepare a statement of the evidence obtained in the inquiry which shall be submitted to the Commission and to each person against whom an allegation is made therein."

The only change is in the cross-references.

9. Subsection (1) of section 19 now reads as follows:

"19. (1) The Commission shall as soon as possible after the conclusion of proceedings taken under section 18, make a report in writing and without delay transmit it to the Minister; such report shall review the evidence and material, appraise the effect on the public interest of arrangements and practices disclosed in the evidence and contain recommendations as to the application of remedies provided in this Act or other remedies."

this section shall include a finding whether or not the conspiracy, combination, agreement or arrangement relates only to one or more of the matters specified in subsection (2) of section 32 and, if so, shall include a finding whether or not the conspiracy, combination, agreement or arrangement, has lessened or is likely to lessen competition unduly in respect of one of the matters specified in paragraphs (a) to (d) of subsection (3) of section 32, or has restricted or is likely to restrict any person from entering into or expanding a business in a trade or industry.”

1953-54, c. 51,
s. 750(1).

Interim
report.

10. Subsection (1) of section 22 of the said Act is repealed and the following substituted therefor:

“**22.** (1) Notwithstanding subsection (1) of section 19, when, in any inquiry relating to alleged situations contrary to section 32 or 33, the Commission, after reviewing the statement submitted by the Director and receiving argument in support thereof and in reply thereto, is then unable effectively to appraise the effect on the public interest of the arrangements and practices disclosed in the evidence, it shall make an interim report in writing, which shall contain a review of the evidence and a statement of the reasons why the Commission is unable to appraise effectively the effect of such arrangements and practices on the public interest, and without delay, such report shall be transmitted to the Minister.”

Reduction or
removal of
customs
duties.

11. Section 29 of the said Act is repealed and the following substituted therefor:

“**29.** Whenever, from or as a result of an inquiry under the provisions of this Act, or from or as a result of a judgment of the Supreme Court or Exchequer Court of Canada or of any superior, district or county court in Canada, it appears to the satisfaction of the Governor in Council that with regard to any article there has existed any conspiracy, combination, agreement, arrangement, merger or monopoly to promote unduly the advantage of manufacturers or dealers at the expense of the public, and if it appears to the Governor in Council that such disadvantage to the public is presently being facilitated by the duties of customs imposed on the article, or on any like article, the Governor in Council may direct either that such article be admitted into Canada free of duty, or that the duty thereon be reduced to such amount or rate as will, in the opinion of the Governor in Council, give the public the benefit of reasonable competition.”

1953-54, c. 51,
s. 750(1).

12. (1) Subsections (1) and (2) of section 31 of the said Act are repealed and the following substituted therefor:

The amendment requires the Commission to make certain additional specific findings where it appears that a conspiracy, combination, agreement or arrangement has existed.

10. The present subsection (1) of section 22 reads as follows:

"22. (1) Notwithstanding subsection (1) of section 19 of this Act, when, in any inquiry relating to alleged situations contrary to section 32 of this Act, or section 411 of the Criminal Code, the Commission, after reviewing the statement submitted by the Director and receiving argument in support thereof and in reply thereto, is then unable effectively to appraise the effect on the public interest of the arrangements and practices disclosed in the evidence, it shall make an interim report in writing, which shall contain a review of the evidence and a statement of the reasons why the Commission is unable to appraise effectively the effect of such arrangements and practices on the public interest, and without delay, such report shall be transmitted to the Minister."

The only change is in the cross-references.

11. The present section 29 reads as follows:

"29. Whenever, from or as a result of an inquiry under the provisions of this Act, or from or as a result of a judgment of the Supreme Court or Exchequer Court of Canada or of any superior court or circuit, district or county court in Canada, it appears to the satisfaction of the Governor in Council that with regard to any article of commerce, there exists any combine to promote unduly the advantage of manufacturers or dealers at the expense of the public, and if it appears to the Governor in Council that such disadvantage to the public is facilitated by the duties of Customs imposed on the article, or on any like article, the Governor in Council may direct either that such article be admitted into Canada free of duty, or that the duty thereon be reduced to such amount or rate as will, in the opinion of the Governor in Council, give the public the benefit of reasonable competition."

With the incorporation of section 411 of the *Criminal Code*, the expression "combine" requires to be replaced as indicated.

12. The present subsections (1) and (2) of section 31 read as follows:

Prohibitions.

“**31.** (1) Where a person has been convicted of an offence under Part V

(a) the court may at the time of such conviction, on the application of the Attorney General of Canada or the attorney general of the province, or

(b) a superior court of criminal jurisdiction in the province may at any time within three years thereafter, upon proceedings commenced by information of the Attorney General of Canada or the attorney general of the province for the purposes of this section,

and in addition to any other penalty imposed on the person convicted, prohibit the continuation or repetition of the offence or the doing of any act or thing by the person convicted or any other person directed towards the continuation or repetition of the offence and where the conviction is with respect to a merger or monopoly, direct the person convicted or any other person to do such acts or things as may be necessary to dissolve the merger or monopoly in such manner as the court directs.

Idem.

(2) Where it appears to a superior court of criminal jurisdiction in proceedings commenced by information of the Attorney General of Canada or the attorney general of the province for the purposes of this section that a person has done, is about to do or is likely to do any act or thing constituting or directed towards the commission of an offence under Part V, the court may prohibit the commission of the offence or the doing or continuation of any act or thing by that person or any other person constituting or directed towards the commission of such an offence, and, where the offence is with respect to a merger or monopoly, direct that person or any other person to do such acts or things as may be necessary to dissolve the merger or monopoly in such manner as the court directs.”

Application.

(2) This section applies in respect of all prosecutions under the said Act or under section 411 or 412 of the *Criminal Code* whether commenced before or after the coming into force of this section, and in respect of all acts or things, whether committed or done before or after the coming into force of this section.

1953-54, c. 51,
s. 750(1).Court may
require
returns.

13. Sections 32 and 33 of the said Act are repealed and the following substituted therefor:

“**31A.** (1) Notwithstanding anything contained in Part V, where any person is convicted of an offence under Part V, the court before whom such person was convicted and sentenced may, from time to time within three years thereafter,

"31. (1) Where a person has been convicted of an offence under section 32 or 34 of this Act or under section 411 or 412 of the Criminal Code

- (a) the court may at the time of such conviction, on the application of the Attorney General of Canada or the attorney general of the province, or
- (b) a superior court of criminal jurisdiction in the province may at any time within three years thereafter, upon proceedings commenced by information of the Attorney General of Canada or the attorney general of the province for the purposes of this section,

and in addition to any other penalty imposed on the person convicted, prohibit the continuation or repetition of the offence or the doing of any act or thing by the person convicted or any other person directed towards the continuation or repetition of the offence and where the conviction is with respect to the formation or operation of a merger, trust or monopoly, direct the person convicted or any other person to do such acts or things as may be necessary to dissolve the merger, trust or monopoly in such manner as the court directs.

(2) Where it appears to a superior court of criminal jurisdiction in proceedings commenced by information of the Attorney General of Canada or the attorney general of the province for the purposes of this section that a person is about to do or is likely to do any act or thing constituting or directed towards the commission of an offence under section 32 or 34 of this Act or section 411 or 412 of the Criminal Code, the court may prohibit the commission of the offence or the doing of any act or thing by that person or any other person constituting or directed towards the commission of such an offence."

The cross-references in subsections (1) and (2) are being changed, and subsection (2) is being amended to permit a restraining or dissolution order without a conviction where the offence has been completed.

13. The present sections 32 and 33 read as follows:

"32. (1) Every person who is a party or privy to or knowingly assists in the formation or operation of a combine is guilty of an indictable offence and liable on conviction to a fine in the discretion of the court or to imprisonment for a term not exceeding two years or to both.

(2) No person shall be charged with an offence against this section on the same information or indictment as that on which he is charged with an offence against section 411 of the Criminal Code.

require the convicted person to submit such information with respect to the business of such person as the court deems advisable, and without restricting the generality of the foregoing the court may require a full disclosure of all transactions, operations or activities since the date of the offence under or with respect to any contracts, agreements or arrangements, actual or tacit, that the convicted person may at any time have entered into with any other person touching or concerning the business of the person convicted. 5

Penalty.

(2) The court may punish any failure to comply with an order under this section by a fine in the discretion of the court or by imprisonment for a term not exceeding two years. 10

“PART V.

“OFFENCES IN RELATION TO TRADE.

Conspiracy.

“32. (1) Every one who conspires, combines, agrees or arranges with another person

(a) to limit unduly the facilities for transporting, producing, manufacturing, supplying, storing or dealing in any article, 15

(b) to prevent, limit or lessen, unduly, the manufacture or production of an article, or to enhance unreasonably the price thereof, 20

(c) to prevent, or lessen, unduly, competition in the production, manufacture, purchase, barter, sale, storage, rental, transportation or supply of an article, or in the price of insurance upon persons or property, or 25

(d) to restrain or injure trade or commerce unduly in relation to any article,

is guilty of an indictable offence and is liable to imprisonment for two years.

Defence.

(2) Subject to subsection (3), in a prosecution under subsection (1) the court shall not convict the accused if the conspiracy, combination, agreement or arrangement relates only to one or more of the following: 30

(a) the exchange of statistics, 35

(b) the defining of product standards,

(c) the exchange of credit information,

(d) definition of trade terms,

(e) co-operation in research and development,

(f) restriction of advertising, or

(g) some other matter not enumerated in subsection (3). 40

Exception.

(3) Subsection (2) does not apply if the conspiracy, combination, agreement or arrangement has lessened or is likely to lessen competition unduly in respect of one of the following:

(a) prices, 45

33. (1) Notwithstanding anything contained in section 32 or 34 of this Act or in the *Criminal Code*, where any person is convicted of an offence against section 32 or 34 of this Act or section 411 or 412 of the *Criminal Code*, the court before whom such person was convicted and sentenced may, from time to time within three years thereafter require the convicted person to submit such information with respect to the business of such person as the court deems advisable, and without restricting the generality of the foregoing the court may require a full disclosure of all transactions, operations or activities since the date of the offence under or with respect to any contracts, agreements or arrangements, actual or tacit, that the convicted person may at any time have entered into with any other person touching or concerning the business of the person so convicted.

(2) The court may punish any failure to comply with an order under this section by a fine in the discretion of the court or by imprisonment for a term not exceeding two years."

Section 33 becomes 31A, and the only change is in the cross-references.

Subsection (1) of the new section 32, as explained in the notes opposite clause 1 of this Bill, incorporates section 411 of the *Criminal Code*, which has been in effect since 1889, and without substantial modification since 1900, and is the law under which existing jurisprudence in relation to combinations has been established.

Subsection (2) of the new section 32 makes it clear that certain practices that are not detrimental to the public interest, but should rather confer benefits on the economy, may be followed provided that they are not accompanied by harmful effects.

The purpose of subsection (3) is to make it clear that, notwithstanding that certain practices come within subsection (2), the accused cannot avail himself of that subsection if these practices are accompanied by effects that are detrimental to the public interest.

(b) quantity or quality of production,
 (c) markets or customers, or
 (d) channels or methods of distribution,
 or if the conspiracy, combination, agreement or arrangement has restricted or is likely to restrict any person from entering into or expanding a business in a trade or industry. 5

Mergers and
 monopolies.

“33. Every person who is a party or privy to or knowingly assists in, or in the formation of, a merger or monopoly is guilty of an indictable offence and is liable to imprisonment for two years. 10

Illegal
 trade
 practices.

“33A. (1) Every one engaged in a business who

(a) is a party or privy to, or assists in, any sale that discriminates to his knowledge, directly or indirectly, against competitors of a purchaser of articles from him in that any discount, rebate, allowance, price concession or other advantage is granted to the purchaser over and above any discount, rebate, allowance, price concession or other advantage that, at the time the articles are sold to such purchaser, is available to such competitors in respect of a sale of articles of like quality and quantity; 15

(b) engages in a policy of selling articles in any area of Canada at prices lower than those exacted by him elsewhere in Canada, having or designed to have the effect or tendency of substantially lessening competition or eliminating a competitor in such part of Canada; or 25

(c) engages in a policy of selling articles at prices unreasonably low, having or designed to have the effect or tendency of substantially lessening competition or eliminating a competitor, 30

is guilty of an indictable offence and is liable to imprisonment for two years.

Defence.

(2) It is not an offence under paragraph (a) of subsection (1) to be a party or privy to, or assist in any sale mentioned therein unless the discount, rebate, allowance, price concession or other advantage was granted as part of a practice of discriminating as described in that paragraph. 35

Co-operative
 societies
 excepted.

(3) The provisions of paragraph (a) of subsection (1) shall not be construed to prohibit a co-operative society from returning to producers or consumers, or a co-operative wholesale society from returning to its constituent retail or wholesale members, the whole or any part of the net surplus made in its trading operations in proportion to purchases made from or sales made to the society. 40

“Allowance”
 defined.

“33B. (1) In this section “allowance” means any discount, rebate, price concession or other advantage that is or purports to be offered or granted for advertising or display purposes and is collateral to a sale or sales of articles but is not applied directly to the selling price. 50

The new section 33 is the present section 32, but confined to mergers and monopolies.

The proposed section 33A is section 412 of the Criminal Code, strengthened by the insertion of the words "or tendency" in paragraphs (b) and (c) of subsection (1) and amended in subsection (3) to include a reference to "wholesale" members of co-operative societies. The text of section 412 appears opposite page 11.

The proposed section 33B is new. The Report, in 1959, of the Royal Commission on Price Spreads of Food Products pointed to the desirability of limiting promotional expenditures in favour of price reductions. The Report, in 1958, of the Restrictive Trade Practices Commission Concerning Discriminatory Pricing Practices in the Grocery Trade indicated that promotional allowances by manufacturers were a source of discrimination between different types of trade customers. The purpose of section 33B is to prevent such discrimination and, at the same time, discourage promotional allowances by providing that, where granted by a supplier, they must be made available on proportionate terms to all competing customers.

Grant of allowance prohibited except on proportionate terms.

(2) Every one engaged in a business who is a party or privy to the granting of an allowance to any purchaser that is not offered on proportionate terms to other purchasers in competition with the first-mentioned purchaser, (which other purchasers are in this section called "competing purchasers"), is guilty of an indictable offence and is liable to imprisonment for two years. 5

Definition of proportionate terms.

(3) For the purposes of this section, an allowance is offered on proportionate terms only if

(a) the allowance offered to a purchaser is in approximately the same proportion to the value of sales to him as the allowance offered to each competing purchaser is to the total value of sales to such competing purchaser, 10

(b) in any case where advertising or other expenditures or services are exacted in return therefor, the cost thereof required to be incurred by a purchaser is in approximately the same proportion to the value of sales to him as the cost of such advertising or other expenditures or services required to be incurred by each competing purchaser is to the total value of sales to such competing purchaser, and 15

(c) in any case where services are exacted in return therefor, the requirements thereof have regard to the kinds of services that competing purchasers at the same or different levels of distribution are ordinarily able to perform or cause to be performed. 25

Misrepresentations as to ordinary price.

"33c. (1) Every one who, for the purpose of promoting the sale or use of an article, makes any materially misleading representation to the public, by any means whatever, concerning the price at which such or like articles have been, are, or will be, ordinarily sold, is guilty of an offence punishable on summary conviction. 30

Not applicable to publishing advertisements in good faith.

(2) Subsection (1) does not apply to a person who publishes an advertisement that he accepts in good faith for publication in the ordinary course of his business." 35

14. Section 34 of the said Act is amended by adding thereto the following subsection:

Defences.

"(5) Where, in a prosecution under this section, it is proved that the person charged refused or counselled the refusal to sell or supply an article to any other person, no inference unfavourable to the person charged shall be drawn from such evidence if he satisfies the court that he and any one upon whose report he depended had reasonable cause to believe and did believe 40

(a) that the other person was making a practice of using articles supplied by the person charged as loss-leaders, that is to say, not for the purpose of making a profit thereon but for purposes of advertising; 45

(b) that the other person was making a purchase of such articles supplied by the person charged and for the purpose of selling such articles as a profit but for the purpose of attracting customers to his store in the hope of selling them other articles;

(c) that the other person was making a purchase of articles in order to resell them in respect of articles supplied by the person charged;

(d) that the other person made a purchase of such articles for the purpose of reselling them in respect of articles supplied by the person charged;

(e) that the other person was making a purchase of such articles for the purpose of reselling them in respect of articles supplied by the person charged in addition to their own or otherwise.

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The proposed section 33c is new and is self-explanatory.

14. Section 34 prohibits resale price maintenance.

The proposed new subsection (5) provides a defence in the circumstances described.

- (b) that the other person was making a practice of using articles supplied by the person charged not for the purpose of selling such articles at a profit but for the purpose of attracting customers to his store in the hope of selling them other articles; 5
- (c) that the other person was making a practice of engaging in misleading advertising in respect of articles supplied by the person charged;
- (d) that the other person made a practice of not providing the level of servicing that purchasers of such articles might reasonably expect from such other person; or 10
- (e) that the other person was unfairly disparaging the value of articles supplied by the person charged, in relation to their price or otherwise." 15

15. Section 35 of the said Act is repealed and the following substituted therefor:

Civil rights not affected.

"35. Nothing in this Part shall be construed to deprive any person of any civil right of action."

New heading.

16. The said Act is further amended by inserting therein, 20 immediately before section 36 thereof, the following heading:

"PART VI.

OTHER OFFENCES."

1953-54, c. 51, s. 750(3).

17. Subsections (2) and (3) of section 40 of the said Act are repealed and the following substituted therefor:

Jurisdiction of courts.

"(2) No court other than a superior court of criminal jurisdiction, as defined in the *Criminal Code*, has power to 25 try any offence under section 32 or 33.

Corporations to be tried without jury.

(3) Notwithstanding anything in the *Criminal Code* or in any other statute or law, a corporation charged with an offence under this Act shall be tried without the intervention of a jury. 30

Option as to procedure under 31(2).

(4) In any case where subsection (2) of section 31 is applicable the Attorney General of Canada or the attorney general of the province may in his discretion institute proceedings either by way of an information under that subsection or by way of prosecution." 35

1953-54, c. 51, s. 750(1).

18. The portion of subsection (2) of section 41 of the said Act that precedes paragraph (a) thereof is repealed and the following substituted therefor:

Evidence against a participant.

"(2) In a prosecution under Part V,"

15. The present section 35 reads as follows:

"35. Sections 32 and 34 shall not be deemed to deprive any person of any civil right of action."

The change is made necessary by the rearrangement of the offence sections.

16. The offences relating to trade will be confined to Part V in order to facilitate reference to them in other places in the Act.

17. The present subsections (2) and (3) of section 40 read as follows:

"(2) No court other than a superior court of criminal jurisdiction, as defined in the *Criminal Code*, has power to try any offence against section 32 of this Act.

(3) Notwithstanding anything in the *Criminal Code* or in any other statute or law, a corporation charged with an offence under this Act or under section 411 or 412 of the *Criminal Code* shall be tried without the intervention of a jury."

The only change is in the cross-references.

Subsection (4) is new.

18. The opening words of subsection (2) of section 41 are as follows:

"(2) In a prosecution under section 32 or 34 of this Act or under section 411 or 412 of the *Criminal Code*,"

The only change is in the cross-reference.

19. (1) The said Act is further amended by adding thereto, immediately after section 41 thereof, the following section:

Jurisdiction
of Exchequer
Court.

"**41A.** (1) Subject to this section, the Attorney General of Canada may institute and conduct any prosecution or other proceedings under section 31 or Part V, except section 33c, in the Exchequer Court of Canada, and for the purposes of such prosecution or other proceedings the Exchequer Court has all the powers and jurisdiction of a superior court of criminal jurisdiction under the *Criminal Code* and under this Act. 5 10

No jury.

(2) The trial of an offence under Part V in the Exchequer Court shall be without a jury.

Appeal.

(3) For the purposes of Part XVIII of the *Criminal Code* the judgment of the Exchequer Court in any prosecution or proceedings under Part V of this Act shall be deemed to be the judgment of a court of appeal and an appeal therefrom lies to the Supreme Court of Canada as provided in Part XVIII of the *Criminal Code* for appeals from a court of appeal. 15 20

Proceedings
optional.

(4) Proceedings under subsection (2) of section 31 may in the discretion of the Attorney General be instituted in either the Exchequer Court or a superior court of criminal jurisdiction in the province, but no prosecution shall be instituted in the Exchequer Court in respect of an offence under Part V without the consent of all the accused." 25

Commence-
ment.

(2) This section shall come into force on a day to be fixed by proclamation of the Governor in Council.

Part number
amended.

20. The said Act is further amended by repealing the heading "PART VI" and substituting therefor the heading "PART VII". 30

Repeal.

21. Sections 411, 412 and 416 of the *Criminal Code* are repealed.

22. Subject to this section, the Attorney General of Canada may institute and conduct any process or proceedings under section 31 or Part V of the *Criminal Code* in the Exchequer Court of Canada, and he may also institute and conduct any process or proceedings the Exchequer Court has all the powers and jurisdiction of a superior court of criminal jurisdiction under the *Criminal Code* and under this Act.

23. The trial of an offence under Part V in the Exchequer Court shall be with or a jury.

24. For the purposes of Part XVIII of the *Criminal Code* the judgment of the Exchequer Court in any prosecution or proceedings under Part V of this Act shall be deemed to be the judgment of a court of appeal and an appeal therefrom lies to the Supreme Court of Canada as provided in Part XVIII of the *Criminal Code* for appeals from a court of appeal.

25. Proceedings under subsection 21 of section 31 may in the discretion of the Attorney General be instituted in either the Exchequer Court or a superior court of criminal jurisdiction in the province, but no prosecution shall be instituted in the Exchequer Court in respect of an offence under Part V without the consent of all the accused.

26. This section shall come into force on a day to be fixed by proclamation of the Governor in Council.

27. This Act is for the purpose of giving effect to the provisions of the *Criminal Code* as amended by the *Criminal Code Act* and is hereby enacted in the words "PART VI" and substituting therefor the heading "PART VII".

21. The present sections 411, 412 and 416 of the *Criminal Code* are as follows:

"411. (1) Every one who conspires, combines, agrees or arranges with another person

- (a) to limit unduly the facilities for transporting, producing, manufacturing, supplying, storing or dealing in any article,
- (b) to restrain or injure trade or commerce in relation to any article,
- (c) to prevent, limit or lessen, unduly, the manufacture or production of an article, or to enhance unreasonably the price thereof, or
- (d) to prevent or lessen, unduly, competition in the production, manufacture, purchase, barter, sale, transportation or supply of an article, or in the price of insurance upon persons or property,

is guilty of an indictable offence and is liable to imprisonment for two years.

(2) For the purposes of this section, "article" means an article or commodity that may be a subject of trade or commerce.

(3) This section does not apply to combinations of workmen or employees for their own reasonable protection as workmen or employees.

"412. (1) Every one engaged in trade, commerce or industry who

- (a) is a party or privy to, or assists in, any sale that discriminates to his knowledge, directly or indirectly, against competitors of the purchaser, in that any discount, rebate, allowance, price concession or other advantage, is granted to the purchaser over and above any discount, rebate, allowance, price concession or other advantage, available at the time of such sale to such competitors in respect of a sale of goods of like quality and quantity;
- (b) engages in a policy of selling goods in any area of Canada at prices lower than those exacted by such seller elsewhere in Canada, having or designed to have the effect of substantially lessening competition or eliminating a competitor in such part of Canada; or
- (c) engages in a policy of selling goods at prices unreasonably low, having or designed to have the effect of substantially lessening competition or eliminating a competitor,

is guilty of an indictable offence and is liable to imprisonment for two years.

(2) It is not an offence under paragraph (a) of subsection (1) to be a party or privy to, or assist in any sale mentioned therein unless the discount, rebate, allowance, price concession or other advantage was granted as part of a practice of discriminating as described in that paragraph.

(3) The provisions of paragraph (a) of subsection (1) shall not prevent a co-operative society returning to producers or consumers, or a co-operative wholesale society returning to its constituent retail members, the whole or any part of the net surplus made in its trading operations in proportion to purchases made from or sales to the society.

"416. (1) Where an indictment is found against an accused, other than a corporation, for an offence under section 411, the accused may elect to be tried without a jury and where he so elects he shall be tried by the judge presiding at the court at which the indictment is found, or the judge presiding at any subsequent sittings of that court, or at any court where the indictment comes on for trial.

(2) Where an accused makes an election under subsection (1), the proceedings subsequent to the election shall be in accordance with Part XVI in so far as that Part is capable of being applied."

Sections 411 and 412 of the *Criminal Code* become respectively sections 32 and 33A of the *Combines Investigation Act*. Section 416 of the *Criminal Code* is no longer necessary.

Effect of re-enactment.

22. Except to the extent that subsection (1) of section 32 of the *Combines Investigation Act* as enacted by this Act is not in substance the same as section 411 of the *Criminal Code* as in force immediately before the coming into force of this Act, the said subsection (1) of section 32 of the *Combines Investigation Act* shall not be held to operate as new law, but shall be construed and have effect as a consolidation and as declaratory of the law as contained in the said section 411 of the *Criminal Code*. 5

1959, c. 40.

23. Section 1 of *An Act to amend the Combines Investigation Act and the Criminal Code* is repealed and the following substituted therefor: 10

Application of Acts to fishing agreements.

1. Nothing in the *Combines Investigation Act* or in section 411 of the *Criminal Code* shall be construed to apply to any contract, agreement or arrangement between fishermen or 15 associations of fishermen in British Columbia, and persons or associations of persons engaged in the buying or processing of fish in British Columbia, relating to the prices, remuneration or other conditions under which fish will be caught and supplied to such persons by fishermen between the 1st day 20 of January, 1959 and the 31st day of December, 1961."

22. This clause ensures the uninterrupted continuation of the law contained in section 411 of the *Criminal Code*.

23. The present provision reads as follows:

"1. Nothing in the *Combines Investigation Act* or in section 411 of the *Criminal Code* shall be construed to apply to any contract, agreement or arrangement between fishermen or associations of fishermen in British Columbia, and persons or associations of persons engaged in the buying or processing of fish in British Columbia, relating to the prices, remuneration or other conditions under which fish will be caught and supplied to such persons by fishermen between the 1st day of January, 1959 and the 31st day of December, 1960."

The proposed amendment will continue this provision for a further year.

Third Session, Twenty-Fourth Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-59.

BILL C-59.

An Act to amend the Yukon Act.

First reading, May 16, 1960.

THE MINISTER OF NORTHERN AFFAIRS
AND NATIONAL RESOURCES.

THE HOUSE OF COMMONS OF CANADA.

BILL C-59.

An Act to amend the Yukon Act.

1952-53, c. 53;
1955, cc. 23,
48;
1958, c. 9.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Section 2 of the *Yukon Act* is amended by adding thereto, immediately after paragraph (b) thereof, the following paragraph: 5

"Com-
mittee."

"(bb) 'Committee' means the Advisory Committee on Finance established pursuant to section 12;"

2. Subsection (1) of section 9 of the said Act is repealed and the following substituted therefor: 10

Elective
Council.

"9. (1) There shall be a Council of the Yukon Territory, which shall be composed of seven members elected to represent such electoral districts in the Territory as are named and described by the Commissioner in Council."

3. Section 12 of the said Act is repealed and the following substituted therefor: 15

Advisory
Committee
on Finance.

"12. (1) There shall be an Advisory Committee on Finance consisting of three members of the Council to be appointed by the Commissioner upon the recommendation of the Council. 20

Quorum.

(2) Two members of the Committee constitute a quorum.

Commis-
sioner shall
consult with
Committee.

(3) The Commissioner shall consult with the Committee in the preparation of the estimates of the expenditures and appropriations required to defray the charges and expenses of the Public Services of the Territory for each fiscal year. 25

EXPLANATORY NOTES.

Clause 1. New.

Clause 2. Subsection (1) of section 9 presently reads as follows:

"9. (1) There shall be a Council of the Yukon Territory, which shall be composed of *five* members elected to represent such electoral districts in the Territory as are named and described by the Commissioner in Council."

The proposed amendment would increase the number of members of the Council of the Yukon Territory from five to seven to enable more effective representation of different areas in the Territory. The Council of the Yukon Territory has requested this increase.

Clause 3. Section 12 presently reads as follows:

"12. *The Council shall sit separately from the Commissioner and shall present bills passed by it to the Commissioner for his assent.*"

The proposed amendment would remove the statutory provisions that the Council sit separate and apart from the Commissioner. Removal of this provision will permit arrangements to be made to bring the executive and administrative aspects of government (handled by the Commissioner) into closer relation with the legislative aspects and with the elected representatives of the people.

Expenses of
Committee
members.

(4) The Commissioner in Council may provide for the payment out of the Yukon Consolidated Revenue Fund to each member of the Committee, in respect of any sitting of the Committee that has been convened by the Commissioner at any time when the Council is not in session, allow- 5
ances for living expenses and travelling expenses as follows:

- (a) an allowance for living expenses not exceeding twenty-five dollars for each day he is in attendance at the sitting; and
- (b) the actual travelling expenses incurred by him in 10
travelling from his place of residence to the place where the sitting is held and return, but no payment shall be made to a member in respect of more than one return trip for each sitting of the Committee."

4. (1) Section 17 of the said Act is amended by adding 15
thereto the following subsection:

Game
Ordinances
in respect of
Indians and
Eskimos.

"(2) Notwithstanding subsection (1), the Commissioner in Council may make Ordinances for the government of the Territory, in relation to the preservation of game in the Territory, that are applicable to and in respect of Indians 20
and Eskimos, and Ordinances made by the Commissioner in Council in relation to the preservation of game in the Territory, unless the contrary intention appears therein, are applicable to and in respect of Indians and Eskimos."

(2) From the day on which this Act comes into force, 25
the provisions of the Ordinance entitled "An Ordinance respecting the Conservation of Game in the Yukon Territory", being chapter 50 of the Revised Ordinances of the Yukon Territory, 1958, and "An Ordinance to amend the 30
Game Ordinance", being chapter 3 of the Ordinances of the Yukon Territory, 1959, First Session have the same force and effect in relation to Indians and Eskimos as if on that day they had been re-enacted in the same terms.

5. Section 22 of the said Act is amended by adding there- 35
to the following subsection:

General
Territorial
laws
applicable to
Eskimos.

"(2) All laws of general application in force in the Territory are, except where otherwise provided, applicable to and in respect of Eskimos in the Territory."

6. Section 27 of the said Act is amended by adding 40
thereto the following subsection:

Judge of
Territorial
Court
N.W.T. *ex
officio* judge.

"(2) A judge of the Territorial Court of the Northwest Territories is *ex officio* a judge of the Territorial Court of the Yukon Territory."

The new section 12 creates an advisory committee on finance and provides that the Commissioner shall consult with the committee in the preparation of his estimates and proposed Territorial appropriations.

These changes have been discussed with the Council of the Yukon Territory which is in favour.

Clause 4(1). New.

The effect of the proposed amendment is to authorize the Commissioner in Council to pass game legislation applicable to Indians and Eskimos in the Yukon Territory. It is desirable that such legislation should be general in application.

(2).

This amendment will make the *Game Ordinance* applicable to Indians and Eskimos from the time this Act comes into force.

Clause 5. New.

The proposed amendment would apply to Eskimos all laws of general application. A similar provision in relation to Indians is contained in the *Indian Act*.

Clause 6. New.

7. Subsection (1) of section 29 of the said Act is repealed and the following substituted therefor:

Deputy judges.

"29. (1) The Governor in Council may appoint any person who is or has been a judge of a superior, county or district court of any of the provinces of Canada or a barrister or advocate of at least ten years' standing at the bar of any such province to be a deputy judge of the Court and fix his remuneration and allowances."

8. Section 33 of the said Act is amended by adding thereto the following subsections:

Court may sit in N.W.T. for civil cases.

"(2) The Court may sit in the Northwest Territories for the purpose of hearing a civil case other than a civil case where the Court sits with a jury.

Court has full power when sitting in N.W.T.

(3) When the Court sits in the Northwest Territories the Court has and may exercise all the powers, duties and functions in the Northwest Territories that it has and may exercise when sitting in the Yukon Territory."

9. Section 35 of the said Act is repealed and the following substituted therefor:

Court of Appeal established.

"35. (1) There shall be a court of appeal for the Territory called the Court of Appeal which shall be a superior court of record and shall have all the powers and jurisdiction in relation to matters arising in the Territory possessed by the Court of Appeal for British Columbia immediately prior to the 1st day of January, 1960, and without restricting the generality of the foregoing, an appeal lies to the Court of Appeal

(a) from every judgment, order or decree made by the Court or a judge thereof and whether final or interlocutory;

(b) from every decision of the Court or a judge thereof in any of the following matters or in any proceeding in connection with them or any of them

- (i) Certiorari,
- (ii) Quo warranto,
- (iii) Mandamus,
- (iv) Prohibition,
- (v) Habeas corpus; and

(c) under the provisions of any Act of the Parliament of Canada or Ordinance.

Judges.

(2) The judges of the Court of Appeal are

(a) the Chief Justice of British Columbia;

(b) the Justices of Appeal of British Columbia; and

(c) the judges of the Territorial Court of the Yukon Territory and the Territorial Court of the Northwest Territories.

Clause 7.

Subsection (1) of section 29 presently reads as follows:

"29. (1) The Governor in Council may, *from time to time, in the case of sickness, absence or engagement upon other duty of a judge of the Court or at the request of a judge of the Court, specially* appoint any person who is or has been a judge of a superior, county or district court of any of the provinces of Canada or a barrister or advocate of at least ten years' standing at the bar of any such province to be a deputy judge of the Court."

The proposed amendment would authorize the Governor in Council to appoint deputy judges of the Territorial Court whenever he deems it expedient, and to fix their remuneration and allowances.

Clause 8. New.

The proposed amendment would authorize the Territorial Court of the Yukon Territory to sit in the Northwest Territories in civil matters and to exercise when so sitting all the powers that it may exercise when sitting in the Yukon Territory.

Clause 9.

Section 35 presently reads as follows:

"35. (1) In this section "court of appeal" means the Court of Appeal of the Province of British Columbia.

(2) Subject to subsection (3), an appeal lies from the final judgment of a judge of the Court to the court of appeal in any civil case where

- (a) the matter in controversy amounts to the sum or value of five hundred dollars or upwards;
- (b) the title to real property or some interest therein is affected;
- (c) the validity of a patent is affected;
- (d) the matter relates to the taking of an annual or other rent, customary or other duty or fee or a like demand of a public or general nature affecting future rights;
- (e) the proceedings are for or upon mandamus, prohibition or injunction;
- (f) the action is for the recovery of, the establishment of title to or the right of the claimant to or the establishment of the boundaries of or the inclusion of land or property in a claim, mining property, mineral claim, location, or permit, or interest therein, as defined in any Act of Parliament or regulations thereunder; or
- (g) the action is for divorce or judicial separation.

Chief Justice.

(3) The Chief Justice of the Court of Appeal is the Chief Justice of British Columbia, and in the event of his illness, inability to act or a vacancy in that office the judge of the Court of Appeal who is the senior puisne judge of the Court of Appeal for British Columbia has and may exercise and perform the powers and functions of the Chief Justice. 5

Chief Justice to preside.

(4) The Chief Justice of the Court of Appeal shall preside at any sittings of the Court of Appeal at which he is present and shall appoint another judge of the Court of Appeal to preside at any sittings of the Court of Appeal at which he is not present. 10

Sittings.

(5) The Court of Appeal may sit in the Territory or in the Province of British Columbia.

Quorum.

(6) Three judges of the Court of Appeal constitute a quorum and may lawfully hold court. 15

Registrar and staff.

(7) The Registrar of the British Columbia Court of Appeal is the Registrar of the Court of Appeal and the officers, clerks and employees appointed to the British Columbia Court of Appeal shall perform the duties of their respective offices in relation to the Court of Appeal. 20

Deputy Registrar.

(8) The Clerk of the Court is *ex officio* a Deputy Registrar of the Court of Appeal and may perform such functions and exercise such powers as may be determined from time to time by the Chief Justice of the Court of Appeal.

Notice of appeal.

(9) Notice of an appeal to the Court of Appeal shall be given 25

(a) in the case of a final judgment, order or decree, within two months, or

(b) in the case of an interlocutory judgment, order or decree or a matter mentioned in paragraph (b) of subsection (1), within fifteen days 30

from the day the judgment, order or decree appealed from is pronounced or within such additional time as a judge who made the same, or a judge of the Court of Appeal may allow. 35

Rules.

(10) The judges of the Court of Appeal may make rules for regulating the practice and procedure upon appeals under this section.

Rules of British Columbia Court of Appeal applicable.

(11) Proceedings in appeals under this section, when not otherwise provided for by this Act or the rules made under subsection (10), shall be as nearly as possible in conformity with the rules of the Court of Appeal for British Columbia. 40

Stay of execution.

(12) Execution of the judgment appealed from shall not be stayed except under order of the judge of the Court who gave such judgment or the Court of Appeal, or a judge thereof, and upon such terms as the judge or court making the order may deem just. 45

Exception.

(13) No appeal lies from the final judgment of a judge of the Court on appeal from the decision of a mining recorder respecting a dispute in regard to mining property previous to the issue of a lease of a claim. 50

(3) No appeal lies from the final judgment of a judge of the court on appeal from the decision of a mining recorder respecting a dispute in regard to mining property previous to the issue of a lease of a claim.

(4) The court of appeal and the judges thereof have the same powers, jurisdiction and authority with reference to any such appeal and the proceedings thereon as if it were an appeal duly authorized from a like judgment, order or decree made by the Supreme Court of British Columbia, or a judge thereof, in the exercise of its ordinary jurisdiction.

(5) Notice of any such appeal shall be given within twenty days from the day upon which the judgment appealed from is pronounced or given or within such further time as the judge of the Court who gave such judgment may allow.

(6) Execution of the judgment appealed from shall not be stayed except under order of the judge of the Court who gave such judgment or the court of appeal, or a judge thereof, and upon such terms as may be just.

(7) Three judges of the court of appeal constitute a quorum for the hearing of such appeals.

(8) The procedure upon such appeals shall be regulated by the ordinary practice and procedure upon similar appeals coming before the court of appeal, so far as such practice and procedure are applicable and are not inconsistent with anything in this section and except in so far as it is otherwise provided by the general rules made pursuant to this section.

(9) The judges of the court of appeal may make general rules not inconsistent with this Act for regulating the practice and procedure upon such appeals.

(10) An appeal lies to the Supreme Court of Canada from the judgment upon any appeal authorized by this section wherever such an appeal to the Supreme Court of Canada would have been authorized had the judgment appealed from been delivered in a like case in the exercise of the ordinary jurisdiction of the court of appeal upon appeal in respect of cases originating in the courts of British Columbia."

The proposed amendment establishes a Court of Appeal for the Yukon Territory consisting of the judges of the Court of Appeal for British Columbia and the judges of the Yukon Territory and the Northwest Territories. The jurisdiction and powers of the Court of Appeal would be similar to the jurisdiction and powers of the Court of Appeal of British Columbia.

Appeal
where
authorized
by Ordinance.

(14) Notwithstanding anything in this section, an appeal lies to the Court of Appeal from a judgment, order or decree made by the Court on appeal from any other court, only if authorized by Ordinance and subject to the provisions thereof.

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Application
to *Supreme
Court Act*
and *Criminal
Code*.

(15) The expression "highest court of final resort in a province" in the *Supreme Court Act* shall be construed as including the Court of Appeal, and the expression "Court of Appeal" in the *Criminal Code* when used in reference to the Yukon Territory shall be construed as the Court of Appeal." 10

Remunera-
tion and
allowances.

10. Section 40 of the said Act is amended by adding thereto the following subsection:

"(4) The Governor in Council may, in special circumstances, authorize payment to a justice of the peace of remuneration and travelling and other expenses incurred by him in the performance of his duties and, notwithstanding the *Civil Service Act*, such remuneration and expenses may be paid to a justice of the peace who is employed in the civil service in addition to his salary."

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Proceedings
continued.

11. Any proceedings commenced under the *Yukon Act* in the Court of Appeal of the Province of British Columbia before the coming into force of this Act may be continued in that court as though this Act had not been enacted.

THE HOUSE OF COMMONS OF CANADA

Clause 10. New.

BILL C-69.

An Act to amend the Northwest Territories Act

Clause 11,

This amendment is a transitional provision designed to permit any proceedings commenced in the Court of Appeal of the Province of British Columbia under the authority of section 35 of the *Yukon Act* as it was before being repealed by this Act, to be continued in the said court after the coming into force of this Act.

THE MINISTER OF NORTHWEST TERRITORIES
AND DEVELOPMENT

14. Notwithstanding anything in this section to the contrary, an appeal shall lie from the Court of Appeal from a judgment, order or decree made by the Court on appeal from any other court, only if it is authorized by Ordinance and subject to the provisions thereof.

15. The expression "highest court of final resort in a province" in the Statute Act shall be construed as including the Court of Appeal, and the expression "Court of Appeal" in the Statute Act when used in reference to the Yukon Territory shall be construed as the Court of Appeal.

16. Section 40 of the Statute Act is amended by adding thereto the following proviso:—

Clause 10. New

17. The Governor in Council may, in special circumstances, authorize payment to a person of the whole or any part of the amount of any tax or duty which has been assessed on him, or of any amount which he is liable to pay, or of any amount which he is entitled to receive, if he is unable to pay the same or to receive the same, and if he is unable to do so for any reason other than his own default.

18. Any amendment to the Statute Act which is designed to amend any provision contained in the Court of Appeal of the Province of British Columbia under the authority of section 35 of the Statute Act as it was before being repealed by this Act, to be contained in the said court after the coming into force of this Act.

C-60.

Third Session, Twenty-Fourth Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-60.

An Act to amend the Northwest Territories Act.

First reading, May 16, 1960.

THE MINISTER OF NORTHERN AFFAIRS
AND NATIONAL RESOURCES.

THE HOUSE OF COMMONS OF CANADA.

BILL C-60.

An Act to amend the Northwest Territories Act.

R.S., c. 331;
1953-54, c. 8;
1955, cc. 21,
48;
1957-58, c. 30;
1959, c. 7.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Game
Ordinances
in respect of
Indians and
Eskimos.

1. (1) Section 14 of the *Northwest Territories Act* is amended by adding thereto the following subsection: 5
- “(2) Notwithstanding subsection (1), the Commissioner in Council may make Ordinances for the government of the Territories in relation to the preservation of game in the Territories that are applicable to and in respect of Indians and Eskimos, and Ordinances made by the Commissioner in Council in relation to the preservation of game in the Territories, unless the contrary intention appears therein, are applicable to and in respect of Indians and Eskimos.” 10
- (2) From the day on which this Act comes into force, the provisions of the Ordinances entitled 15
- (a) “An Ordinance respecting the Preservation of Game in the Northwest Territories”, being chapter 42 of the Revised Ordinances of the Northwest Territories, 1956;
- (b) “An Ordinance to amend the Game Ordinance”, 20
being chapter 2 of the Ordinances of the Northwest Territories, 1956, 2nd Session;
- (c) “An Ordinance to amend the Game Ordinance”,
being chapter 1 of the Ordinances of the Northwest Territories, 1957, 1st Session; 25
- (d) “An Ordinance to amend the Game Ordinance”,
being chapter 1 of the Ordinances of the Northwest Territories, 1958, 1st Session; and
- (e) “An Ordinance to amend the Game Ordinance”,
being chapter 4 of the Ordinances of the Northwest Territories, 1959, 1st Session, 30

have the same force and effect in relation to Indians and Eskimos as if on that day they had been re-enacted in the same terms.

EXPLANATORY NOTES.

Clause 1(1). New.

The effect of the proposed amendment is to authorize the Commissioner in Council to pass game legislation applicable to Indians and Eskimos in the Northwest Territories. Because of the mixed character of the population in the Territories it is important that game legislation should be general in application. The Council of the Northwest Territories has requested the provision.

(2).

This amendment will make the *Game Ordinance* applicable to Indians and Eskimos from the time this Act comes into force.

2. Section 17 of the said Act is amended by adding thereto the following subsection:

General
Territorial
laws
applicable to
Eskimos.

"(2) All laws of general application in force in the Territories are, except where otherwise provided, applicable to and in respect of Eskimos in the Territories."

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3. Section 20 of the said Act is amended by adding thereto the following subsection:

Judge of
Territorial
Court,
Yukon,
ex officio
judge.

"(3) A judge of the Territorial Court of the Yukon Territory is *ex officio* a judge of the Territorial Court of the Northwest Territories."

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4. Subsection (1) of section 21 of the said Act is repealed and the following substituted therefor:

Deputy
judge.

"21. (1) The Governor in Council may appoint any person who is or has been a judge of a superior, county or district court of any of the provinces of Canada or a barrister or advocate of at least ten years' standing at the bar of any such province to be a deputy judge of the Court and fix his remuneration and allowances."

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5. Section 25 of the said Act is amended by adding thereto the following subsections:

Court may
sit in Yukon
Territory
for civil
cases.

"(2) The Court may sit in the Yukon Territory for the purpose of hearing a civil case other than a civil case where the Court sits with a jury.

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Court has
full power
when sitting
in Yukon
Territory.

(3) When the Court sits in the Yukon Territory the Court has and may exercise all the powers, duties and functions in the Yukon Territory that it has and may exercise when sitting in the Northwest Territories."

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6. Section 28 of the said Act is repealed and the following substituted therefor:

Court of
Appeal
established.

"28. (1) There shall be a Court of Appeal for the Territories called the Court of Appeal which shall be a superior court of record and shall have all the powers and jurisdiction in relation to matters arising in the Territories possessed by the Appellate Division of the Supreme Court of Alberta in relation to matters arising in Alberta immediately prior to the first day of January, 1960, and without restricting the generality of the foregoing, the Court of Appeal has jurisdiction and power to hear and determine

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- (a) all appeals or motions in the nature of appeals respecting judgments, orders or decisions of the Territorial Court or a judge thereof; and
- (b) all other petitions, motions, matters or things whatsoever that might lawfully be brought in England before a Divisional Court of the High Court of Justice or before the Court of Appeal.

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Clause 2. New.

The proposed amendment would apply to Eskimos all laws of general application. A similar provision in relation to Indians is contained in the *Indian Act*.

Clause 3. New.

Clause 4.

Subsection (1) of section 21 presently reads as follows:

"21. (1) The Governor in Council may, from time to time, in the case of sickness, absence or engagement upon other duty of a judge of the Court or at the request of a judge of the Court, specially appoint any person who is or has been a judge of a superior, county or district court of any of the provinces of Canada or a barrister or advocate of at least ten years' standing at the bar of any such province to be a deputy judge of the Court."

The proposed amendment would authorize the Governor in Council to appoint deputy judges of the Territorial Court whenever he deems it expedient, and to fix their remuneration and allowances.

Clause 5. New.

The proposed amendment would authorize the Territorial Court of the Northwest Territories to sit in the Yukon Territory in civil matters and to exercise when so sitting all the powers that it may exercise when sitting in the Northwest Territories.

Clause 6.

Section 28 presently reads as follows:

"28. (1) In this section, "court of appeal" means

- (a) for those parts of the Territories west of the One Hundred and Second Meridian of West Longitude, the court of appeal for the Province of Alberta; and
 - (b) for those parts of the Territories east of the One Hundred and Second Meridian of West Longitude, the court of appeal for the Province of Saskatchewan, Manitoba, Ontario, Quebec, New Brunswick, Nova Scotia, Prince Edward Island or Newfoundland.
- (2) Subject to subsection (3), an appeal lies from the final judgment of a judge of the Court to the appropriate court of appeal in any civil case where
- (a) the matter in controversy amounts to the sum or value of five hundred dollars or upwards;
 - (b) the title to real property or some interest therein is affected;
 - (c) the validity of a patent is affected;
 - (d) the matter relates to the taking of an annual or other rent, customary or other duty or fee or a like demand of a public or general nature affecting future rights;
 - (e) the proceedings are for or upon mandamus, prohibition or injunction;
 - (f) the action is for the recovery of, the establishment of title to or the right of the claimant to or the establishment of the boundaries of or the inclusion of land or property in a claim, mining property, mineral claim or location, or interest therein, as defined in any regulations respecting quartz mining in the Territories made under a statute of Canada; or
 - (g) the action is for divorce or judicial separation.

Judges.

- (2) The judges of the Court of Appeal are
 (a) the Chief Justice of Alberta;
 (b) the justices of appeal of Alberta; and
 (c) the judges of the Territorial Court of the Northwest Territories and the Territorial Court of the Yukon Territory. 5

Chief Justice.

(3) The Chief Justice of the Court of Appeal is the Chief Justice of Alberta, and in the event of his illness, inability to act or a vacancy in that office the judge of the Court of Appeal who is the senior puisne judge of the Appellate Division of the Supreme Court of Alberta has and may exercise and perform the powers and functions of the Chief Justice. 10

Chief Justice to preside.

(4) The Chief Justice of the Court of Appeal shall preside at any sittings of the Court of Appeal at which he is present and shall appoint another judge of the Court of Appeal to preside at any sittings of the Court of Appeal at which he is not present. 15

Sittings.

(5) The Court of Appeal may sit in the Territories or in the Province of Alberta.

Quorum.

(6) Three judges of the Court of Appeal constitute a quorum and may lawfully hold court. 20

Registrar

(7) The Registrar of the Appellate Division of the Supreme Court of Alberta is the Registrar of the Court of Appeal and the officers, clerks and employees appointed to the Appellate Division of the Supreme Court of Alberta shall perform the duties of their respective offices in relation to the Court of Appeal. 25

Deputy Registrar.

(8) The Clerk of the Court is *ex officio* a Deputy Registrar of the Court of Appeal and may perform such functions and exercise such powers as may be determined from time to time by the Chief Justice of the Court of Appeal. 30

Notice of appeal.

(9) Notice of an appeal to the Court of Appeal shall be given within twenty days

- (a) in the case of a judgment, after the formal judgment or order has been signed, entered and served; 35
 (b) in the case of an order, after the order has been signed, issued and served;
 (c) in the case of a direction, after the judgment or order found thereon has been signed, entered or issued and served; and 40
 (d) in the case of a finding or verdict, after the judgment or order found thereon has been signed, entered or issued and served, or

within such further time as the judge who made the same, or a judge of the Court of Appeal may allow. 45

Rules.

(10) The judges of the Court of Appeal may make rules for regulating the practice and procedure upon appeals under this section.

(3) No appeal lies from the final judgment of a judge of the Court on appeal from the decision of a mining recorder respecting a dispute in regard to mining property previous to the issue of a lease of a claim.

(4) The court of appeal and the judges thereof have the same powers, jurisdiction and authority with reference to any such appeal and the proceedings thereon as if it were an appeal duly authorized from a like judgment, order or decree made by a superior court of the province concerned, or a judge thereof, in the exercise of its or his ordinary jurisdiction.

(5) Notice of any such appeal shall be given within twenty days from the day upon which the judgment appealed from is pronounced or given or within such further time as the judge of the Court who gave such judgment may allow.

(6) Execution of the judgment appealed from shall not be stayed except upon order of the judge of the Court who gave such judgment or the court of appeal, or a judge thereof, and upon such terms as may be just.

(7) Three judges of the court of appeal constitute a quorum for the hearing of such appeals.

(8) The procedure upon such appeals shall be regulated by the ordinary practice and procedure upon similar appeals coming before the court of appeal, so far as such practice and procedure are applicable and are not inconsistent with anything in this section and except in so far as it is otherwise provided by the general rules pursuant to this section.

(9) The judges of the court of appeal may make general rules not inconsistent with this Act for regulating the practice and procedure upon such appeals.

(10) An appeal lies to the Supreme Court of Canada from the judgment upon any appeal authorized by this section wherever such an appeal to the Supreme Court of Canada would have been authorized had the judgment appealed from been delivered in a like case in the exercise of the ordinary jurisdiction of the court of appeal upon appeal in respect of cases originating in the courts of the province in which such court of appeal sits."

The proposed amendment establishes a Court of Appeal for the Northwest Territories consisting of the judges of the Appellate Division of the Supreme Court of Alberta and the judges of the Northwest Territories and the Yukon Territory. The jurisdiction and powers of the Court of Appeal would be similar to the jurisdiction and powers of the Appellate Division of the Supreme Court of Alberta.

Rules of
Alberta
Court of
Appeal
applicable.

(11) Proceedings in appeals under this section, when not otherwise provided for by this Act or the rules made under subsection (10), shall be as nearly as possible in conformity with the rules of the Appellate Division of the Supreme Court of Alberta.

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Stay of
execution.

(12) Execution of the judgment appealed from shall not be stayed except under order of the judge of the Court who gave such judgment or the Court of Appeal, or a judge thereof, and upon such terms as the judge or court making the order may deem just.

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Exception.

(13) No appeal lies from the final judgment of a judge of the Court on appeal from the decision of a mining recorder respecting a dispute in regard to mining property previous to the issue of a lease of a claim.

Appeal where
authorized by
Ordinance.

(14) Notwithstanding anything in this section, an appeal lies to the Court of Appeal from a judgment, order or decree made by the Court on appeal from any other court, only if authorized by Ordinance and subject to the provisions thereof.

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Application to
*Supreme
Court Act*
and *Criminal
Code*.

(15) The expression "highest court of final resort in a province" in the *Supreme Court Act* shall be construed as including the Court of Appeal, and the expression "Court of Appeal" in the *Criminal Code* when used with reference to the Northwest Territories shall be construed as the Court of Appeal."

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7. Subsection (2) of section 29 of the said Act is repealed and the following substituted therefor:

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Concurrent
surrogate
judgment
respecting
the
Territories.

"(2) Any court having surrogate powers in a province of Canada may, within the province in which its ordinary jurisdiction is exercised, exercise, respecting the granting or revoking of probate of wills and letters of administration of the property of deceased persons in the Territories east of the One Hundred and Second Meridian of West Longitude and all matters arising out of or connected therewith, the like jurisdiction that such court has respecting the granting or revoking of probate and letters of administration of the property of deceased persons within the territorial limits of its ordinary jurisdiction and all matters arising out of or connected therewith."

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8. Section 36 of the said Act is amended by adding thereto the following subsection:

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Remuneration
and
allowances.

"(4) The Governor in Council may, in special circumstances, authorize payment to a justice of the peace of remuneration and travelling and other expenses incurred by him in the performance of his duties and, notwithstanding

the fact that such remuneration and expenses may be paid to a justice of the peace who is employed in the civil service in addition to his salary.

§ Any proceeding commenced under the provisions of this Act in any court of law or equity in the Territories and in any court having jurisdiction in the Territories and in the Yukon Territory and any proceedings commenced in the Appellate Division of the Supreme Court of Canada in any case in which the jurisdiction of the court is derived from the authority of section 23 of the Act, shall be continued in the said courts and shall have the same force and effect as they were before being repealed by this Act, in the Territories and in the Yukon Territory and in the Province of Alberta.

Proceedings
continued

Clause 7.

Subsection (2) of section 29 presently reads as follows:

"(2) Any court having surrogate powers in a province of Canada may, within the province in which its ordinary jurisdiction is exercised, exercise, respecting the granting or revoking of probate of wills and letters of administration of the property of deceased persons in the Territories and all matters arising out of or connected therewith, the like jurisdiction that such court has respecting the granting or revoking of probate and letters of administration of the property of deceased persons within the territorial limits of its ordinary jurisdiction and all matters arising out of or connected therewith."

The proposed amendment would abolish the concurrent jurisdiction of provincial courts in probate matters west of the One Hundred and Second Meridian of West Longitude and would thus limit the concurrent jurisdiction in probate matters to the area outside the Mackenzie District.

Clause 8. New.

the *Civil Service Act*, such remuneration and expenses may be paid to a justice of the peace who is employed in the civil service in addition to his salary."

Proceedings continued.

9. Any proceedings commenced under the *Northwest Territories Act* in any court before the coming into force of this Act may be continued in that court as though this Act had not been enacted.

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Clause 9.

This amendment is a transitional provision designed to permit any proceedings in probate matters commenced in any court having surrogate powers in a province in Canada under the authority of subsection (2) of section 29 of the *Northwest Territories Act* and any proceedings commenced in the Appellate Division of the Supreme Court of Alberta under the authority of section 28 of the *Northwest Territories Act* as they were before being repealed by this Act, to be continued in the said courts after the coming into force of this Act.

As Act to amend the Act to amend the Railway Act.

First reading May 11, 1955.

The Statute Book

...and the court has held that the power of the court to review the actions of the board of directors is not limited to the cases where the board has acted in violation of the law or the charter of the corporation.

...and the court has held that the power of the court to review the actions of the board of directors is not limited to the cases where the board has acted in violation of the law or the charter of the corporation. The court has held that the power of the court to review the actions of the board of directors is not limited to the cases where the board has acted in violation of the law or the charter of the corporation. The court has held that the power of the court to review the actions of the board of directors is not limited to the cases where the board has acted in violation of the law or the charter of the corporation.

C-61.

Third Session, Twenty-Fourth Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-61.

An Act to amend An Act to amend the Railway Act.

First reading, May 16, 1960.

THE MINISTER OF TRANSPORT.

THE HOUSE OF COMMONS OF CANADA.

BILL C-61.

An Act to amend An Act to amend the Railway Act.

1958: c. 40.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Subsection (4) of section 1 of *An Act to amend the Railway Act*, chapter 40 of the Statutes of 1958, is repealed, and the following substituted therefor: 5

“(4) Notwithstanding subsection (2) of this section, with respect to any costs incurred in placing reflective markings on the sides of railway cars during the period of six years from the 31st day of January, 1958, and with respect to any work for the protection, safety and convenience of the public in respect of crossings ordered or authorized by the Board of Transport Commissioners within that period, subsection (2) of section 265 of the *Railway Act* shall be deemed to read as follows: 10 15

“(2) The total amount that may be applied towards the cost of placing reflective markings on the sides of railway cars shall not exceed eighty per cent of such cost, and the total amount that may be applied towards the cost of work actually done in respect of any one crossing shall not exceed 20

(a) in the case of a crossing at rail level, the aggregate of (i) eighty per cent of the cost of the work (except the relocation of a public utility plant that is part of the work) or five hundred thousand dollars, whichever is the lesser, and 25 (ii) eighty per cent of the cost of such relocation, and

(b) in the case of reconstruction and improvement of a grade separation, the aggregate of 30

(i) fifty per cent of the cost of the work (except the relocation of a public utility plant that is part of the work) or two hundred and fifty thousand dollars, whichever is the lesser, and (ii) fifty per cent of the cost of such relocation.” ” 35

Third Session, Twenty-First Parliament, 29 Elizabeth II, 1957.

THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTES.

Section 265 of the *Railway Act*, as enacted by 1955, chapter 41 and amended by 1958, chapter 40, establishes a Railway Grade Crossing Fund to be applied towards the cost of placing reflective markings on the sides of railway cars and the cost of work done for the protection of the public in respect of level crossings and the cost of grade separations. Subsection (2) of that section sets forth the limits of the amounts that may be so applied.

By the amending Act, 1958, chapter 40, these limits were increased for a three-year period commencing on January 31, 1958. The purpose of this Bill is to extend the period for a further three years.

THE MAY, 1961

THE SPEAKER'S CHAIRMAN AND CHIEF CLERK OF THE HOUSE OF COMMONS

C-62.

Third Session, Twenty-Fourth Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-62.

An Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1961.

**AS PASSED BY THE HOUSE OF COMMONS,
19th MAY, 1960.**

3rd Session, 24th Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-62.

An Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1961.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by messages from His Excellency, Major-General Georges Philias Vanier, DSO., MC., Governor General of Canada, and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1961, and for other purposes connected with the public service: May it therefore please your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Short title.

1. This Act may be cited as the *Appropriation Act No. 4, 1960*.

\$600,946,640.92
granted for
1960-61.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole six hundred million, nine hundred and forty-six thousand, six hundred and forty dollars and ninety-two cents, towards defraying the several charges and expenses of the public service, from the 1st day of April, to the 31st day of March, not otherwise provided for, and being the aggregate of

(a) one-sixth of the total of the amounts of the items set forth in the Main Estimates for the fiscal year ending the 31st day of March, 1961, as laid before the House of Commons at the present session of Parliament, \$593,558,978.34;

- (b) seven-twelfths of the total of the amounts of the several items in the Main Estimates set forth in Schedule A, \$350,000.00;
- (c) one-third of the total of the amounts of the several items in the Main Estimates set forth in Schedule B, \$565,070.00; 5
- (d) one-twelfth of the total of the amounts of the several items in the Main Estimates set forth in Schedule C, \$1,472,592.58; and
- (e) one-third of the total of the amount of the item set forth in the Supplementary Estimates for the fiscal year ending the 31st day of March, 1961, as laid before the House of Commons at the present session of Parliament, \$5,000,000.00. 10

Purpose and effect of each item.

3. The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein. 15 20

Account to be rendered. R.S., c. 116.

4. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

SCHEDULE A.

Based on the Main Estimates, 1960-61. The amount hereby granted is \$350,000.00, being seven-twelfths of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1961, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	CITIZENSHIP AND IMMIGRATION		
	INDIAN AFFAIRS BRANCH		
64	Grant to provide Additional Services to the Indians of British Columbia.....	100,000	
	EXTERNAL AFFAIRS		
	A—DEPARTMENT		
	CONTRIBUTIONS TO INTERNATIONAL ECONOMIC AND SPECIAL AID PROGRAMS		
95	Contribution to the United Nations Relief and Works Agency for Palestine Refugees in the Near East.....	500,000	
			*600,000

* Net total \$350,000.

SCHEDULE B.

Based on the Main Estimates, 1960-61. The amount hereby granted is \$565,070.00, being one-third of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1961, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	FISHERIES		
	SPECIAL		
137	Canadian share of expenses of the International Commissions detailed in the Estimates.....	895,210	
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
267	Contributions to the Provinces, pursuant to agreements entered into with the approval of the Governor in Council, by Canada with the Provinces, of amounts equal to one-half of the amounts confirmed by the Provinces as having been spent by them for Campground and Picnic Area Developments..	800,000	
			*1,695,210

* Net total \$565,070.

SCHEDULE C.

Based on the Main Estimates, 1960-61. The amount hereby granted is \$1,472,592.58, being one-twelfth of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1961, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	MINES AND TECHNICAL SURVEYS		
	A—DEPARTMENT		
	SURVEYS AND MAPPING BRANCH		
193	Geodetic Survey of Canada.....	862,248	
194	International Boundary Commission including authority to make recoverable advances in amounts not exceeding in the aggregate the amount of the share of the United States Government of the cost of binding annual reports and maintaining boundary range lights.....	82,839	
195	Topographical Surveys— Administration, Operation and Maintenance.....	1,973,430	
197	Canadian Hydrographic Service— Administration, Operation and Maintenance including Canada's fee for membership in the International Hydrographic Bureau.....	4,729,528	
199	Legal Surveys and Aeronautical Charts.....	793,495	
	GEOLOGICAL SURVEY OF CANADA		
203	Administration, Operation and Maintenance including Canada's share of the cost of the Geological Liaison Office, British Commonwealth Scientific Conference, London, England, and \$50,000 for Grants in aid of Geological Research in Canadian Universities.....	3,769,929	
	GEOGRAPHICAL BRANCH		
207	Administration, Operation and Maintenance including a Grant of \$500 to the Canadian Association of Geographers and a Grant of \$3,500 to the University of British Columbia in aid of Research in Foreign Geography.....	399,833	
	DOMINION OBSERVATORIES		
208	Dominion Observatory, Ottawa and Field Stations— Administration, Operation and Maintenance including the expenses of the National Committee for Canada of the International Astronomical Union, Canada's fee for membership in the International Astronomical Union and a Grant of \$3,500 to the Royal Astronomical Society of Canada.....	1,238,231	
	GENERAL		
213	Polar Continental Shelf Project.....	1,134,400	

SCHEDULE C—*Concluded*

No. of Vote	Service	Amount	Total
		\$	\$
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
	CANADIAN GOVERNMENT TRAVEL BUREAU		
303	To assist in promoting the Tourist Business in Canada including a Grant of \$5,000 to the Canadian Tourist Association.....	2,687,178	*17,671,111

* Net total \$1,472,592.58.

Third Session, Twenty-Fourth Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-63.

An Act to amend the Old Age Security Act.

First reading, May 19, 1960.

THE MINISTER OF NATIONAL HEALTH
AND WELFARE.

3rd Session, 24th Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-63.

An Act to amend the Old Age Security Act.

R.S., c. 200;
1957-58, c. 3;
1959, c. 14.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1957-58, c. 3,
s. 2.

1. Subsection (1) of section 5 of the *Old Age Security Act* is repealed and the following substituted therefor: 5

Suspension
of pension.

“5. (1) Where a pensioner absents himself from Canada and remains out of Canada for six consecutive months, exclusive of the month in which he left Canada, payment of his pension for any period he continues to be absent from Canada after those six months shall be suspended, but 10

(a) payment may be resumed with the month in which he returns to Canada, and

(b) payment may be continued for any period he remains out of Canada after those six months if he establishes that at the time he left Canada he had resided in 15
Canada for at least twenty-five years after attaining the age of twenty-one years.”

Savings.

2. Notwithstanding section 1, a pensioner as defined in the *Old Age Security Act* who is absent from Canada on the day this Act comes into force may, if he returns to Canada, 20
be paid any amount that, if this Act had not been enacted, might have been paid to him under the *Old Age Security Act* in respect of any period during which he was absent from Canada.

Transitional.

3. Where a pensioner as defined in the *Old Age Security Act* who is absent from Canada on the day this Act comes into force and whose pension payments were suspended under subsection (1) of section 5 of the *Old Age Security Act*, as in force before the coming into force of this Act, establishes that at the time he left Canada he had resided in 25
Canada for at least twenty-five years after attaining the age of twenty-one years, payment of the pension may, upon application, be resumed, as of the first day of the month in 30
which this Act comes into force.

C-64

Third Session, Twenty-Ninth Parliament, 22 November 1958

EXPLANATORY NOTES.

1. The present subsection (1) of section 5, as enacted by 1957-58, c. 3, reads as follows:

"5. (1) Where a pensioner absents himself from Canada for a period in excess of one month, payment of his pension shall be suspended immediately following the payment for the month in which he so absents himself, but may be resumed when the pensioner returns; and where the pensioner returns to Canada within six months from the last day of the first month in which he so absented himself from Canada, the pension upon being resumed may also be paid for the period during which he so absented himself, but not exceeding a total of six months in any calendar year."

The purpose of the amendment is to replace the present provision contained in subsection (1) of section 5 with a new subsection that will provide—

- (a) that any pensioner who leaves Canada following the passage of the amendment will be entitled to a continuation of his pension payments during the period of his absence for a period of six months (exclusive of the month of his departure) and to the resumption of payments immediately upon his return; and
- (b) that any such pensioner who has resided in Canada twenty-five years or more after attaining his twenty-first birthday will be entitled to a continuation of his pension payments during the entire period of his absence from Canada.

2. This section is intended to preserve and protect the rights of a pensioner who is absent from Canada on the date when the amending legislation becomes effective, by providing that any rights which such pensioner may have under the existing legislation will not be adversely affected by the proposed change.

3. This section provides that a pensioner who has had twenty-five years' residence in Canada after attaining his twenty-first birthday, and who is out of Canada when the legislation becomes effective and whose pension has been suspended, may make application for its resumption and for its payment on a continuous basis during the period of any further absence.

C-64.

Third Session, Twenty-Fourth Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-64.

An Act to amend the Emergency Gold
Mining Assistance Act.

First reading, May 25, 1960.

THE MINISTER OF MINES AND TECHNICAL SURVEYS.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

THE HOUSE OF COMMONS OF CANADA.

BILL C-64.

An Act to amend the Emergency Gold Mining Assistance Act.

R.S., cc. 95,
318;
1952-53, c. 32;
1953-54, c. 26;
1955, c. 19;
1956, c. 20;
1958, c. 28.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Subsection (1) of section 3 of the *Emergency Gold Mining Assistance Act* is repealed and the following substituted therefor: 5

Amounts payable.

"3. (1) The Minister may pay to a person engaged in operating a gold mine a sum not exceeding an amount calculated in the manner prescribed in this section with respect to gold that is produced from the mine during a designated year and that, during the designated year, 10

(a) is sold to Her Majesty at the Royal Canadian Mint, or

(b) is exported from Canada, in the form of ore or ore concentrates containing gold, and sold." 15

1958, c. 28.

2. (1) The portion of subsection (1) of section 4A of the said Act that precedes paragraph (b) thereof is repealed and the following substituted therefor:

Application of Act to years 1955 to 1963.

"4A. (1) This Act applies in respect of gold produced from a mine and sold in any of the calendar years 1955 to 1963, both inclusive, subject to the following modifications: 20

(a) the expression "designated year" includes the calendar years 1955 to 1963, both inclusive;"

1958, c. 28.

(2) Subsection (2) of section 4A of the said Act is repealed and the following substituted therefor: 25

Additional amounts payable for years 1958 to 1963.

"(2) Notwithstanding anything in this section, the amount of assistance that may be paid in respect of gold produced and sold in the designated years 1958 to 1963, both inclusive, is the amount that may be paid under the provisions of this Act other than this subsection plus twenty-five per cent of that amount." 30

THE HOUSE OF COMMONS OF CANADA

BILL C-65.

EXPLANATORY NOTES.

Clause 1.

Subsection (1) of section 3 presently reads as follows:

"3. (1) The Minister may pay to a person engaged in operating a gold mine a sum not exceeding an amount calculated in the manner prescribed in this section with respect to gold that is produced from the mine during a designated year and that, during the designated year, is sold to Her Majesty at the Royal Canadian Mint or at a branch thereof, or is exported from Canada and sold."

This amendment would provide that, of any gold exported from Canada and sold, only gold exported in the form of ore or concentrates is eligible for assistance payments. The expression "or at a branch thereof" is deleted from the present subsection as there are today no branches of the Royal Canadian Mint.

Clause 2.

The portion of subsection (1) of section 4A being revised presently reads as follows:

"4A. (1) This Act applies in respect of gold produced from a mine and sold in any of the calendar years 1955 to 1960, both inclusive, subject to the following modifications:

- (a) the expression "designated year" includes the calendar years 1955 to 1960, both inclusive;"

Subsection (2) of section 4A presently reads as follows:

"(2) Notwithstanding anything in this section, the amount of assistance that may be paid in respect of gold produced and sold in the designated years 1958, 1959 and 1960 is the amount that may be paid under the provisions of this Act other than this subsection plus twenty-five per cent of that amount."

This amendment would extend the application of the Act to the years 1961, 1962 and 1963, without any change in the present method of computing the amount of assistance payable.

C-65.

Third Session, Twenty-Fourth Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-65.

An Act to amend the Estate Tax Act.

First reading, May 26, 1960.

THE MINISTER OF FINANCE.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY

OTTAWA, 1960

3rd Session, 24th Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-65.

An Act to amend the Estate Tax Act.

1958, c.29.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. (1) Section 3 of the *Estate Tax Act* is amended by adding thereto, immediately after subsection (4) thereof, the following subsection: 5

Insurance proceeds as death benefit.

“(4a) For the purposes of paragraph (k) of subsection (1), any amount payable in respect of the death of a person under a policy of insurance (other than a policy of insurance owned as described in paragraph (m) of subsection (1)) 10 under which any life insurance was effected on the life of that person in respect of, in the course of or by virtue of his office or employment or former office or employment as an employee of any other person, except any part of that amount that was payable under the policy to that other 15 person, shall be deemed to be a death benefit payable in respect of the death of that person out of or under a fund or plan established for the payment of death benefits to recipients.”

(2) This section is applicable in the case of the death of 20 a person whose death occurred after the coming into force of this section.

2. (1) Paragraph (b) of subsection (2) of section 4 of the said Act is repealed and the following substituted therefor: 25

“(b) if the capitalized value, as determined in accordance 25 with the regulations, of the said annuity or other periodic amount exceeds the capitalized value, as similarly so determined, of an amount per annum equal to 5% of the value of the property so disposed of, the amount of the consideration shall be deemed 30 to be the aggregate of the following amounts, namely,

EXPLANATORY NOTES

Clause 1: This new subsection provides that any proceeds of a policy of insurance under which any life insurance was effected on the life of a person in the course of his employment will, except where the policy was owned as described in paragraph (m) of subsection (1) of section 3 or the proceeds thereof were payable to his former employer, be treated as a death benefit for the purpose of computing the aggregate net value of the property passing on his death.

This implements paragraph (3) of the Estate Tax Resolution which reads as follows:

"(3) That there be included in computing the aggregate net value of the property passing on death any amount payable under a policy of insurance effected on the life of the deceased for the benefit of the family of the deceased, where such policy, immediately prior to the death, was owned by the employer of the deceased."

Clause 2: (1) This amendment changes the method of determining the value of the consideration for property disposed of by the deceased during his lifetime in consideration of an annuity where the present value of the annuity at the date of the disposition exceeds the present value at the same date of a notional annuity computed on the basis of 5% of the value of the property disposed of. Under the existing method the consideration is the present value of the excess. Under the new method the consideration is the sum of the amounts of the excess of the actual payment made to the deceased over the notional annuity each year from the date of the commencement of the annuity to the date of his death, plus interest on those amounts.

Paragraph (b) at present reads as follows:

"(b) if the capitalized value, as determined in accordance with the regulations, of that annuity or other periodic amount exceeds the capitalized value, as similarly so determined, of an amount per annum equal to 5% of the value of the property so disposed of, the amount of the consideration shall be deemed to be the amount of such excess."

for each year in which any payment or payments of or on account of the said annuity or other periodic amount were made to the deceased, the amount by which

- (i) the payment or aggregate of the payments so made in that year, exceeds
- (ii) 5% of the value of the property so disposed of, plus interest at 5% per annum on the amount of the excess for that year, from the time the payment or payments were so made until the time of the death of the deceased."

(2) Section 4 of the said Act is further amended by adding thereto the following subsection:

Devise or bequest subject to provision against lapse.

"(4) Notwithstanding section 3, there shall not be included in computing the aggregate net value of the property passing on the death of a person the value of any property comprised in a devise or bequest made to the deceased by a testator that, by virtue of a provision against lapse contained in any applicable statute or law relating to wills or the succession to property of a testator, is regarded as having taken effect as though the deceased had died after the death of the testator, notwithstanding the death of the deceased before that time."

(3) Subsection (1) is applicable in the case of the death of a person whose death occurred after the coming into force of this section, and subsection (2) is applicable in the case of the death of a person whose death occurred after 1958.

3. (1) Section 5 of the said Act is amended by adding thereto the following subsection:

Debt or obligation created by statute.

"(2) For the purposes of this section, a debt or other obligation of the deceased that was created or imposed by or under the authority of a statute shall, to the extent that such debt or obligation was outstanding immediately prior to his death, be deemed to be a debt incurred by the deceased as described in paragraph (a) of subsection (1)."

(2) This section is applicable in the case of the death of a person whose death occurred after 1958.

4. (1) All that portion of paragraph (d) of subsection (1) of section 7 of the said Act preceding subparagraph (ii) thereof is repealed and the following substituted therefor:

"(d) the value of any gift made by the deceased whether during his lifetime or by his will, where such gift can be established to have been absolute and indefeasible, to

(2) This new subsection ensures that in computing the aggregate net value of property passing on death there shall not be included property that might otherwise be included because of a provision against the lapsing of bequests contained in provincial or other legislation relating to wills or successions.

Clause 3: (1) This new subsection provides that a debt or other obligation of the deceased that is imposed under a statute and is outstanding at the date of his death is to be regarded as a debt incurred by the deceased for the purpose of the deduction permitted by section 5.

Clause 4: (1) This amendment implements paragraph (1) of the Estate Tax Resolution which reads as follows:

"(1) That the deduction from aggregate net value allowed for the value of any gift made to a charitable organization in Canada be extended to the value of a gift made to a charitable foundation in Canada."

- (i) any organization in Canada that, at the time of the making of the gift and of the death of the deceased, was an organization constituted exclusively for charitable purposes, all or substantially all of the resources of which were devoted to charitable activities carried on by it or to the making of gifts to other such organizations in Canada all or substantially all of the resources of which were so devoted, and no part of the resources of which was payable to or otherwise available for the benefit of any proprietor, member or shareholder thereof, or”

(2) Section 7 of the said Act is further amended by adding thereto, immediately after subsection (1) thereof, the following subsection:

Gifts subject to power to appoint or appropriate.

“(1a) For the purposes of paragraph (d) of subsection (1), where any gift was made by the deceased during his lifetime or by his will,

(a) subject to a power in favour of any person to appoint the donee or donees thereof, or

(b) subject to a power in favour of any person to appropriate the whole or any part thereof for his own use or benefit,

to the extent that the power described in paragraph (a) was exercised not later than one year after the death of the deceased in favour of a donee described in paragraph (d) of subsection (1), the gift so made by the deceased shall not, by reason only of having been made as described in paragraph (a), be considered not to have been absolute and indefeasible and shall be deemed to have been made by the deceased to that donee, and to the extent of any estate or interest of a donee described in paragraph (d) of subsection (1) in the property comprised therein that became absolute and indefeasible by virtue of the renunciation of the power described in paragraph (b) not later than one year after the death of the deceased, the gift so made by the deceased shall be deemed to have been absolute and indefeasible.”

(3) Subsection (1) is applicable in the case of the death of a person whose death occurred after the coming into force of this section, and subsection (2) is applicable in the case of the death of a person whose death occurred after 1958, except that in its application in the case of the death of a person whose death occurred after 1958 but before the coming into force of this section, subsection (1a) of section 7 of the said Act as enacted by subsection (2) shall be read and construed as though for the expression “not later than one year after the death of the deceased” where it appears therein there were substituted the expression “not later than one year after the coming into force of this subsection.”

The amendment also defines more precisely what constitutes a charitable organization in Canada and provides that a gift to such an organization must be established to have been indefeasible as well as absolute in order to qualify for the purpose of the deduction permitted by paragraph (d) of subsection (1) of section 7.

The portion of paragraph (d) being repealed at present reads as follows:

“(d) the value of any gift made by the deceased whether during his lifetime or by his will, where such gift can be established to have been absolute, to

(i) any organization in Canada that, at the time of the making of the gift, was a charitable organization operated exclusively as such and not for the benefit, gain or profit of any proprietor, member or shareholder thereof, or”

(2) This new subsection delineates the conditions under which a gift made subject to a power in favour of a person to appoint the particular recipient or a power in favour of a person to appropriate the gift may nevertheless qualify for the purpose of the deduction permitted by paragraph (d) of subsection (1) of section 7.

5. Section 8 of the said Act is amended by adding thereto the following subsection:

Idem.

“(2) Notwithstanding anything in this Act, no tax is payable under this Part upon the aggregate taxable value of the property passing on the death of a person, where the aggregate net value of the property passing on the death of that person, computed in accordance with Division B, does not exceed \$50,000.” 5

6. (1) All that portion of subsection (8) of section 9 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor: 10

Situs of property.

“(8) A reference in this section to the situs of any property passing on the death of a person shall be construed as a reference to the situs of that property at the time of the death of that person, and, for the purposes of this section except subsection (3), the situs of any property so passing, including any right or interest therein of any kind whatever, shall, where that property comes within any of the classes of property mentioned in paragraphs (a) to (e) of this subsection, be determined in accordance with the following rules.” 15 20

(2) Subparagraphs (i) and (ii) of paragraph (d) of subsection (8) of section 9 of the said Act are repealed and the following substituted therefor:

“(i) in the province where the deceased was domiciled at the time of his death, if any register of transfers or place of transfer is maintained by the corporation in that province for the transfer thereof, and 25

(ii) otherwise, in the place where the register of transfers or place of transfer nearest to the place where the deceased was ordinarily resident at the time of his death is maintained by the corporation for the transfer thereof;” 30

(3) Subsection (8) of section 9 of the said Act is further amended by adding thereto, immediately after paragraph (d) thereof, the following paragraph: 35

“(e) property for which no specific provision is made in any other paragraph of this subsection, or the situs of which, determined as provided therein, cannot with reasonable certainty be identified, shall be deemed to be situated in the place where the deceased was domiciled at the time of his death;” 40

(4) This section is applicable in the case of the death of a person whose death occurred after the coming into force of this section. 45

Clause 5: This new subsection explicitly provides an exemption for an estate whose aggregate net value does not exceed \$50,000. This exemption is implicitly provided at present by the operation of subsection (4) of section 9.

Clause 6: (1) This amendment which adds the underlined reference to paragraph (e) is consequential upon the new rule provided by subclause (3).

(2) This amendment adds the underlined words to enable the situs of shares of a particular class to be determined by reference to a place where shares of that class can be transferred. The present wording requires the situs of shares to be determined by reference to a place where shares of any class can be transferred.

(3) This new paragraph provides a general rule for determining the situs of property for which no specific rule is provided or for which the application of the specific rule provided produces a result such that the situs of the property cannot with reasonable certainty be identified.

7. Paragraphs (a) and (b) of subsection (5) of section 12 of the said Act are repealed and the following substituted therefor:

- “(a) at any time, if the person by whom any return is filed 5
- (i) has made any misrepresentation, committed any fraud or knowingly or otherwise failed to disclose any material fact in filing any return or in supplying any information under this Act, or
 - (ii) has filed with the Minister a waiver in prescribed form within four years from the day of mailing of a notice of an original assessment or of a notification that no amount is payable as tax under this Part in respect of the death of the deceased, and 15
- (b) within four years from
- (i) the day referred to in subparagraph (ii) of paragraph (a), or
 - (ii) the day any property is disposed of under a disposition or agreement described in paragraph (l) of subsection (1) of section 3, 20
in any other case,”

8. (1) The said Act is further amended by adding thereto, immediately after section 15 thereof, the following section:

“15A. Where there has been included in computing the aggregate net value of the property passing on the death of a deceased an amount in respect of an income right, annuity, term of years, life or other similar estate or interest in expectancy (hereinafter in this section referred to as a “terminable interest”), the value of which was ascertained in accordance with prescribed standards as to interest and mortality of any person, and, at any time within four years after the death of the deceased, an event has occurred, whether the death or marriage of that person or otherwise, as a result of which that terminable interest has terminated, notwithstanding subsection (5) of section 12 the Minister shall, upon application in prescribed form made to him within one year after the occurrence of that event, in any case where 25 30 35

(a) the aggregate net value, otherwise determined under this Part, of the property passing on the death of the deceased, exceeds 40

(b) the amount that would be the aggregate net value of the property passing on the death of the deceased if the value of that terminable interest had been ascertained in accordance with a duration of life of that person that assumed the death of that person at the time of the occurrence of the event resulting in the termination of the interest, 45 50

Re-assessment in event of death of annuitant, etc. within four years.

Clause 7: This amendment provides that the taxpayer may waive the four-year limit after which the Minister may not make a re-assessment. This implements paragraph (5) of the Estate Tax Resolution which reads:

"(5) That the four year limit, after which the Minister may not make a re-assessment unless there has been fraud, misrepresentation or failure to disclose by the person filing the return, may be waived by the executor by notice to the Minister."

Paragraphs (a) and (b) at present read as follows:

- "(a) at any time, if the person by whom any return is filed has made any misrepresentation, committed any fraud or knowingly or otherwise failed to disclose any material fact in filing any return or supplying information under this Act, and
- (b) within four years from
 - (i) the date of an original assessment or notification that no amount is payable as tax under this Part in respect of the death of the deceased, or
 - (ii) the date any property is disposed of under a disposition or agreement described in paragraph (l) of subsection (1) of section 3, in any other case,"

Clause 8: This new section is intended to provide a measure of tax relief by permitting the revaluation of assets that at the time of the original assessment could only be valued according to tables of present values of annuities, taking into account the facts relevant at the date of death of the deceased. The revaluation will be permitted in cases where within four years an event occurs that makes possible and appropriate a revaluation in the light of the changed conditions.

This implements paragraph (4) of the Estate Tax Resolution which reads:

"(4) That where the property passing on the death of a person includes property the value of which was determined as of the date of death of that person according to prescribed tables of present values of annuities, and within four years of the date of death there occurs an event, such as a death or change in marital status of a beneficiary, that allows the value of the property to be determined having regard to the occurrence of that event, the property shall, on application made in accordance with prescribed conditions, be revalued and the difference in tax refunded."

re-assess the tax payable under this Part in respect of the death of the deceased, as though the aggregate net value of the property passing on the death of the deceased were the amount determined under paragraph (b).”

(2) This section is applicable in the case of the death of a person whose death occurred after 1958, except that where any event occurred before the coming into force of this section as a result of which any terminable interest referred to in section 15A of the said Act as enacted by this section has terminated, a reference in section 15A of the said Act as enacted by this section to an application made within one year after the occurrence of that event shall be construed as a reference to an application made within one year after the coming into force of this section. 5 10

9. Section 22 of the said Act is amended by adding thereto the following subsection: 15

Idem.

“(4) A re-assessment made by the Minister pursuant to subsection (3) is not invalid by reason only of not having been made within four years from the day of mailing of a notice of an original assessment or of a notification described in subsection (5) of section 12.” 20

10. (1) Paragraph (g) of section 38 of the said Act is repealed and the following substituted therefor:

“(g) money deposited to the credit of the deceased with an insurance company, money payable under a policy of insurance effected on the life of the deceased or payable under an annuity contract in respect of the death of the deceased, and any policy of insurance or annuity contract in which the deceased had an interest shall be deemed to be situated in the place where the deceased was domiciled at the time of his death;” 25 30

(2) This section is applicable in the case of the death of a person whose death occurred after the coming into force of this section. 35

11. Subsection (3) of section 42 of the said Act is repealed and the following substituted therefor:

Sale.

“(3) Property seized under this section shall be kept for a period of ten days or for such extended period (not exceeding thirty days) as may be specified by the Minister, at the cost and charges of the owner, and if the owner does not pay the amount due together with such costs and charges within that period or extended period the property seized shall, unless otherwise ordered by the Minister, be sold by public auction.” 40 45

Clause 9: This new subsection makes it clear that the Minister may make a re-assessment after receiving a notice of objection from the taxpayer even although four years have passed from the day of mailing a notice of an original assessment or a notification that no tax was payable.

Clause 10: This amendment broadens the rule for determining the situs of money deposited with an insurance company so that it will apply also to cases where insurance proceeds are left on deposit by another person to the credit of the deceased. The present provision is restricted to money deposited "by" the deceased.

Clause 11: This amendment adds the underlined words to make less stringent the existing provisions for mandatory seizure and sale of goods and chattels of a person who has failed to pay tax as required by section 42.

12. (1) Subsections (1) and (2) of section 47 of the said Act are repealed and the following substituted therefor:

Consent
to transfer.

"**47.** (1) Upon or after the death of any person wherever domiciled at the time of his death, unless the consent in writing of the Minister is first obtained, no corporation incorporated under the laws of Canada or a province or having its head office, principal place of business, office from which payments are made, register of transfers or place of transfer in Canada and no person in Canada, other than the executor of the estate of the deceased, shall transfer, deliver or pay over or permit the transfer, delivery or payment over of 5

(a) any property situated in Canada in which the deceased had, immediately prior to his death, a beneficial interest, 15

(b) any property situated in Canada or, where the deceased was domiciled in Canada at the time of his death, any property wherever situated, under a disposition or agreement contemplated by paragraph (l) of subsection (1) of section 3, or 20

(c) where the deceased was domiciled in Canada at the time of his death,

(i) any superannuation, pension or death benefit payable or granted on or after the death of the deceased in respect of his death, 25

(ii) any amount payable under a policy of insurance effected on the life of the deceased or payable under an annuity contract in respect of the death of the deceased, or

(iii) any policy of insurance or annuity contract in which the deceased had, immediately prior to his death, a beneficial or other interest. 30

Saving
provision.

(2) Notwithstanding subsection (1), any property, not exceeding \$11,500 in value or amount in the case of any one transferor, deliverer or payer, may be transferred, delivered or paid over to any person resident in Canada without the consent of the Minister if notice of such transfer, delivery or payment over is forthwith given to the Minister and the property comes within any of the following classes: 35

(a) money as or on account of any superannuation, pension or death benefit payable or granted on or after the death of the deceased in respect of his death, 40

(b) money payable by an insurer under one or more policies of insurance effected on the life of the deceased or payable by any person under one or more annuity contracts in respect of the death of the deceased, or 45

Clause 12: (1) This amendment is intended to clarify the applicability of the section to the transfer of certain kinds of property by certain transferors, and in particular to the transfer of certain property in which the deceased did not have a beneficial interest at the time of his death.

Subsections (1) and (2) at present read as follows:

"47. (1) Upon the death of any person wherever domiciled at the time of his death, unless the consent in writing of the Minister is first obtained

(a) no person, being a bank, trust company, insurance company or other corporation having its head office, principal place of business, office from which payments are made, register of transfers or place of transfer in Canada, shall transfer, deliver or pay over or permit the transfer, delivery or payment over of

(i) any property situated in Canada in which the deceased had, immediately prior to his death, any beneficial interest, or

(ii) where the deceased was domiciled in Canada at the time of his death, any money payable under any policy of insurance effected on the life of the deceased; and

(b) no person in Canada, other than the executor of the estate of the deceased, shall transfer, deliver or pay over or permit the transfer, delivery or payment over of any property in which the deceased had, at the time of his death, any beneficial interest.

(2) Notwithstanding subsection (1), any property passing on the death of a deceased, not exceeding \$11,500 in value or amount in the case of any one transferor, deliverer or payer, may be transferred, delivered or paid over to any person resident in Canada without the consent of the Minister if notice of such transfer, delivery or payment over is forthwith given to the Minister and the property comes within any of the following classes:

(a) money payable by an insurer under one or more policies of insurance effected on the life of the deceased;

(b) money payable by any person under one or more annuity contracts purchased or provided by the deceased, or

(c) money as or on account of any superannuation, pension or death benefit payable or granted on or after the death of the deceased in respect of his death."

(c) any policy of insurance or annuity contract in which the deceased had, immediately prior to his death, a beneficial or other interest."

(2) Section 47 of the said Act is further amended by adding thereto, immediately after subsection (3) thereof, the following subsection:

Saving provision.

"(3a) Notwithstanding anything in this section, any amount payable under a policy of insurance effected on the life of the deceased, or any policy of insurance in which the deceased had, immediately prior to his death, a beneficial or other interest, may be transferred, delivered or paid over to any person resident in Canada without the consent of the Minister and without notice thereof to him, where the total amount payable under the policy does not exceed \$900."

(3) Subsection (5) and (6) of section 47 of the said Act are repealed and the following substituted therefor:

Offence.

"(5) Every corporation or other person who contravenes this section is guilty of an offence and liable on summary conviction to a fine of not less than \$100 and not more than \$1,000 and in addition an amount not exceeding the aggregate value of the property transferred, delivered or paid over in contravention of this section.

Ignorance of death or interest of deceased.

(6) No person is guilty of an offence under this section if that person establishes that the act or omission complained of occurred through ignorance on his part of the death of the deceased or of any interest of the deceased in the property transferred, delivered or paid over in contravention of this section."

(4) This section is applicable in the case of the death of a person whose death occurred after the coming into force of this section.

13. (1) Section 59 of the said Act is amended by adding thereto the following subsection:

Idem.

"(4) A reference in section 21 of the *Canada Council Act* to a "charitable organization in Canada as described in paragraph (d) of subsection (1) of section 7 of the *Dominion Succession Duty Act*" includes a reference to an organization in Canada described in subparagraph (i) of paragraph (d) of subsection (1) of section 7 of this Act."

(2) This section shall be deemed to have come into force on the 1st day of January, 1959.

C-96.
THE HOUSE OF COMMONS OF CANADA
BILL C-96
(2) This new subsection permits small amounts of insurance effected on the life of the deceased to be transferred without the consent of or notice to the Minister.

(3) The amendment to subsection (5) is consequential upon the amendment provided by subclause (1).

Subsection (5) at present reads as follows:

"(5) Every bank, trust company, insurance company, loan company or other corporation and every other person who contravenes this section is guilty of an offence and liable on summary conviction to a fine of not less than \$100 and not more than \$1,000 and in addition an amount not exceeding the aggregate value of the property transferred, delivered or paid over in contravention of this section."

The amendment to subsection (6) adds the underlined words to extend the application of the subsection to cases where a transfer is made in ignorance of any interest of the deceased in the property transferred.

Clause 13: (1) This new subsection implements paragraph (2) of the Estate Tax Resolution which reads:

"(2) That the Canada Council be deemed to be a charitable organization for purposes of the Act."

C-66.

Third Session, Twenty-Fourth Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-66.

An Act to provide for the Suspension
of Private Bills from one Session of
Parliament to the next.

First reading, June 3, 1960.

Mr. PETERS.

THE HOUSE OF COMMONS OF CANADA.

BILL C-66.

An Act to provide for the Suspension
of Private Bills from one Session of
Parliament to the next.

HER Majesty, by and with the advice and consent of the
Senate and House of Commons of Canada, enacts as
follows:

Short title.

1. This Act may be cited as the *Private Bills Suspension Act*. 5

Suspension
and
procedure
thereon.

2. (1) The promotor of any private bill that has originated in the Senate or House of Commons in any session of Parliament shall have leave, if he thinks fit, to suspend any further proceeding thereon in order to proceed with that bill in the next session. 10

(2) The promotor of any such bill who intends to suspend further proceeding thereon shall give notice to the Chief Clerk of Committees or the Chief Clerk of Private Bills, as the case may be, not later than the day before the close of the session that he so intends or, if the bill, having passed the one House, is then pending in the other House, that he intends to proceed with the same bill in the House in which the bill so passed: it being a condition precedent to the giving of such notice that all fees and charges due upon such bill up to that date be paid. 15 20

(3) The Chief Clerk of Committees or the Chief Clerk of Private Bills, as the case may be, shall prepare and have printed an alphabetical list of all such bills with a statement of the stage of proceeding at which each has been suspended. 25

(4) Any such bill shall be presented to the House in which it originated not later than the third day on which that House sits after the next meeting of Parliament.

(3) The promoter shall deposit with every bill so presented a declaration signed by the promoter or his agent that the bill is the same in every particular as the bill with respect to which proceedings have been suspended in the last stage of its progress in that House in the previous session.

(4) The Clerk of the Senate or the Clerk of the House of Commons as the case may be shall lay any bill so presented on the Table of that House when that House next meets after the day on which the copies of Her Majesty's letters the Parliament have been transmitted.

(5) A bill so laid on the Table shall be deemed to have been read the first and second times if the bill has been read a second time in the previous session.

EXPLANATORY NOTES.

The purpose of this Bill is to provide a procedural means whereby private bills may be carried over from one session of Parliament to the next. This purpose may be achieved by the Senate and the House, respectively, adopting the necessary rules and orders; alternatively, the purpose may be achieved by both Houses passing a bill, Her Majesty thereto consenting, that contains provisions which apply to the procedures of both Houses. This latter method is used in this Bill. The former method has frequently been used by the United Kingdom Parliament.

Clause 2: These are the procedural provisions. The choice of suspending a private bill is in the discretion of the promoter of the bill. There are no additional fees or charges. The bill proceeds in the next session where it had left off in the previous one. The demands upon the promotor are simple: he gives notice of suspension in the first session and, in the next session, a declaration that the bill is the same one. The rights of possible opponents of the bill are continued.

... that such a declaration has been given by the promoter of the bill.

... the bill shall be deemed to have been read the first time and shall be referred to the Committee of the House of Commons or the Committee of the House of Lords as the case may be, for consideration.

(3) If the promoter has reported either that the bill is the same as the bill which was suspended in the previous session or that it is a new bill, the standing orders as the case may be, shall apply to the bill.

... have been read the first and second times if the bill has been read a second time in the previous session.

... if it has been read a second time in the previous session, it shall be deemed to have been read a second time.

(5) The promoter shall deposit with every bill so presented a declaration, signed by the promoter or his agent, that the bill is the same in every particular as the bill, with respect to which proceedings have been suspended, in the last stage of its proceeding in that House in the previous session. 5

(6) The Clerk of the Senate or the Clerk of the House of Commons, as the case may be, shall lay any bill so presented on the Table of that House when that House next meets after the day on which the causes of Her Majesty's calling the Parliament have been thereunto declared. 10

(7) A bill so laid on the Table shall be deemed to have been read the first and second time (if the bill has been read a second time before its suspension); and if such bill has been reported by any committee in the previous session, it shall be ordered to be read the third time unless it has been reported with amendments in the previous session and has not been considered as amended, in which case it shall be ordered to lie upon the Table. 15

(8) The Rules of the Senate and the Standing Orders of the House of Commons which regulate the intervals in time between readings of a private bill shall not apply to a bill brought to one House from the other House in any session and upon which proceedings were suspended in that House to which such bill is brought. 20

(9) When a bill which has been brought from either House in any session, and upon which the proceedings have been suspended in the other House, is again brought from the House in which it originated in the next session, the promoter of the bill shall deposit with the Chief Clerk of Committees or the Chief Clerk of Private Bills, as the case may be, a declaration, signed by the promoter or his agent, that the bill is the same in every particular as the bill which was brought from the House in which it originated in the previous session and, as soon as a certificate by the proper Chief Clerk that such a declaration has been so deposited has been laid upon the Table of the House in which the bill did not originate: 25

(a) the bill shall be deemed to have been read the first time and shall be referred to the Examiner unless the Examiner has reported on it in the previous session; 40

(b) if the Examiner has reported either that the rules or the standing orders, as the case may be, not previously inquired into and which are applicable to the bill, have been complied with or that no rule or standing order, as the case may be, not previously inquired into is applicable thereto, the bill shall be ordered to be read a second time or, if it has been read a second time in the previous session, it shall be deemed to have been read a second time; 45

- (c) if the bill had been reported with amendments in the previous session by the committee to which the bill had been referred, it shall be committed to the Chairman of the Committee of the Whole of the Senate or the Chairman of Committees of the House of Commons, as the case may be, who shall make only such amendments to the bill as have been made thereto by the committee in the previous session, and shall report the bill to the Senate or the House of Commons, as the case may be, forthwith; 10
- (d) if the bill had been reported by such committee without amendment in the previous session, the bill shall be ordered to be read the third time.

(10) A bill which, under the provisions of subsection 7 or subsection 9, is deemed to have been read the first and second time shall be recorded in the journals of the Senate or the House of Commons, as the case may be, as having been so read. 15

(11) A petition against any bill presented in any session, which stood referred to the committee on the bill, shall stand referred to the committee on the same bill in the next session; and all notices of objection to the right of petitioners to be heard that are given in any session within the time prescribed by the rules or standing orders, as the case may be, relating to such notices, shall be held applicable in the next session. 20 25

(12) A petition against any bill that has been presented to either the Senate or the House of Commons or that has been brought from one House to the other in the previous session shall not be received in the next session unless such bill was read the first time within the last ten days of the previous session. 30

(13) A petition against a bill, to which subsection 12 applies, and that is presented not later than the seventh day after the next meeting of Parliament, being a petition in which the petitioner prays to be heard by himself, his counsel or agent, shall stand referred to the committee on such bill. 35

(14) Instructions in any session to a committee on a bill, which was suspended previous to having been reported by the committee, shall be instructions to the committee on the same bill in the next session. 40

(15) A rule or standing order, as the case may be, that is complied with in respect of a bill originating in the Senate or the House of Commons and upon which the proceedings have been suspended in the House in which it originated, shall be deemed to have been complied with in respect of the bill if the same bill is brought from that House in the next session; and any notices published or given and any deposits 45

made in respect of the bill for the previous session shall be held to have been published, given and made, respectively, for the bill so brought from that House in the next session.

(16) No further fees or charges shall be levied or charged in respect of a proceeding on a bill in respect of which fees or charges have already been incurred during the previous session. 5

(17) If the Committee on Standing Orders of either House had not reported upon any report of the Examiner in respect of a petition for a bill presented in the previous session or upon any other matter concerning which the bill was referred to that Committee, such report or matter shall stand referred in the next session to that Committee. 10

Commence-
ment and
suspension.

3. This Act shall come into force on a day to be fixed by a joint proclamation of the Speaker of the Senate and the Speaker of the House of Commons who shall cause the proclamation to be published in the *Canada Gazette*; the operation of the Act may thereafter be suspended from time to time and for such times as may be fixed by a joint proclamation of the Speaker of the Senate and the Speaker of the House of Commons who shall cause such proclamation to be published in the *Canada Gazette*. 15 20

Third Session, Twenty-Fourth Parliament, 44 Elizabeth II, 1950

THE HOUSE OF COMMONS OF CANADA

BILL C-67

Clause 3: The Speakers of both Houses jointly proclaim the Act. It may thereafter be suspended from time to time to suit the convenience of the Senate and House of Commons.

Enacted by the Queen in Her Majesty's Council at Ottawa for the public service of the Dominion of Canada on the 21st March, 1951.

AS PASSED BY THE HOUSE OF COMMONS
21st JUNE, 1950

C-67.

Third Session, Twenty-Fourth Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-67.

An Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1961.

**AS PASSED BY THE HOUSE OF COMMONS,
3rd JUNE, 1960.**

3rd Session, 24th Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-67.

An Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1961.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by message from His Excellency, Major-General Georges Philias Vanier, DSO., MC., Governor General of Canada, and the estimates accompanying the said message, that the sum hereinafter mentioned is required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1961, and for other purposes connected with the public service: May it therefore please your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Short title.

1. This Act may be cited as the *Appropriation Act No. 5, 1960.*

\$1,600,000 granted for 1960-61.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole one million, six hundred thousand dollars, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1960, to the 31st day of March, 1961, not otherwise provided for, and being the amount of the item set forth in the schedule to this Act.

Purpose and effect of each item.

3. The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

Account to
be rendered.
R.S., c. 116.

4. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

THE HOUSE OF COMMONS OF CANADA

BILL C-67

An Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1961

Her Majesty Queen Elizabeth II

Enacted by Her Majesty in Council by message from His Excellency, His Majesty's Governor General, Sir George Philip Yaver, B.C., M.C., Governor General of Canada, and the members accompanying the said message, that the said Governor General is required to draw certain expenses of the public service of Canada, not otherwise provided for for the financial year ending the 31st day of March, 1961, and for other purposes connected with the public service; May it therefore please your Majesty, that a sum be granted and be is granted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

1. The Act may be cited as the Appropriation Act No. 2, 1961.

2. From and out of the Consolidated Revenue Fund, there may be paid and another sum not exceeding in the whole one million six hundred thousand dollars towards the several charges and expenses of the public service, from the 1st day of April, 1960, to the 31st day of March, 1961, not otherwise provided for, and being the amount of the sums set forth in the schedule to this Act.

3. The amounts authorized by this Act to be paid or applied in respect of the debt may be paid or applied only for the purposes and subject to any terms and conditions specified in the Act, and the payment or application of any amount authorized by the Act for such purposes and subject to any terms or conditions specified therein.

SCHEDULE .

Based on the Further Supplementary Estimates (1), 1960-61. The amount hereby granted is \$1,600,000.00, being the total amount of the item in the said Estimates as contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1961, and the purpose for which it is granted.

No. of Vote	Service	Amount	Total
		\$	\$
	EXTERNAL AFFAIRS		
	OTHER PAYMENTS TO INTERNATIONAL ORGANIZATIONS AND PROGRAMS		
499	Purchase and transportation to Chile of flour and pork for the relief of Chilean disaster victims and to authorize reimbursement of the Agricultural Commodities Stabilization Account in respect of the purchase of such pork	1,600,000

C-68.

Third Session, Twenty-Fourth Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-68.

An Act to amend the Income Tax Act.

First reading, June 6, 1960.

THE MINISTER OF FINANCE.

THE HOUSE OF COMMONS OF CANADA.

BILL C-68.

An Act to amend the Income Tax Act.

R.S., c. 148;
1952-53, c. 40;
1953-54, c. 57;
1955, cc. 54, 55;
1956, c. 39;
1957, c. 29;
1957-58, c. 17;
1958, c. 32;
1959, c. 45.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. (1) Subsection (1) of section 11 of the *Income Tax Act* is amended by striking out the word “and” at the end of paragraph (t) thereof, by adding the word “and” at the end of paragraph (u) thereof and by adding thereto the following paragraph:

“(v) that proportion of any superannuation or pension benefit, death benefit or benefit under a registered retirement savings plan (other than a refund of premiums as defined in section 79B) received by the taxpayer in the year, upon or after the death of a predecessor, in payment of or on account of property to which the taxpayer is the successor the value of which was required to be included in computing the aggregate net value of the property passing on the death of the predecessor for the purpose of Part I of the *Estate Tax Act* (or would have been so required to be included if the predecessor had been domiciled in Canada at the time of his death), that

(i) the aggregate of

(A) such part of any tax payable under the *Estate Tax Act* in respect of the death of the predecessor as is determined under that Act to be the part thereof applicable to the property in payment of or on account of which the benefit was so received, and

(B) such part of any succession duties payable under a law of a province in respect of the death of the predecessor as may reasonably be regarded as attributable to the property in payment of or on account of which the benefit was so received,

Estate tax and succession duties applicable to certain property.

EXPLANATORY NOTES.

Clause 1: This new paragraph, which provides for a deduction from income on account of estate tax or succession duty, implements paragraph 14 of the Income Tax Resolution which reads as follows:

"(14) That for the 1960 and subsequent taxation years an individual who receives a superannuation, pension or death benefit or a benefit under a registered retirement savings plan in respect of which any tax under the Estate Tax Act or succession duty imposed by a province was payable in respect of a death occurring after December 31, 1958 may deduct in computing his income for the year a portion of the benefit received by him determined by reference to the tax or duty applicable to the benefit."

is of

- (ii) the value of the property in payment of or on account of which the benefit was so received, computed as provided for the purpose of subsection (4) of section 58 of the *Estate Tax Act*." 5

(2) This section is applicable to the 1960 and subsequent taxation years in the case of any benefit received upon or after the death of a predecessor whose death occurred after 1958.

2. (1) Section 15 of the said Act is amended by adding thereto the following subsection: 10

Idem.

"(5) An election under subsection (2) or (3) is not valid if, for the taxation year in which a fiscal period of the partnership or business would not, if the election were valid, be deemed to have ended but in which it would otherwise have ended, the taxpayer may elect to have the rules referred to in subsection (3) of section 37 applicable." 15

(2) This section is applicable in respect of any election made after 1959.

3. (1) Section 20 of the said Act is amended by adding thereto, immediately after subsection (5a) thereof, the following subsections: 20

Transferred property.

"(5b) Where depreciable property of a taxpayer that was included in a prescribed class (hereinafter in this subsection referred to as the "former class") has been transferred to another prescribed class (hereinafter in this subsection referred to as the "other class"), for the purpose of paragraph (e) of subsection (5) 25

(a) there shall be added to the capital cost to the taxpayer of depreciable property of the former class acquired before the transfer, the greater of 30

(i) the amount, if any, by which the capital cost to the taxpayer of the transferred property exceeds the undepreciated capital cost to him of depreciable property of the former class immediately before the transfer, or 35

(ii) the aggregate of all amounts that would have been allowed to the taxpayer in respect of the transferred property, if it had been a prescribed class, at the rate that was allowed to him in respect of property of the former class under regulations made under paragraph (a) of subsection (1) of section 11 in computing income for taxation years before the transfer; and 40

Clause 2: This new subsection will prevent a partner or a proprietor of a business from making an election concerning a fiscal year under both section 15 and section 37 of the Act.

Section 15 of the Act, to which this new subsection is to be added, permits a partner or proprietor to elect to have the fiscal year of a partnership or business which has been wound up or disposed of to be deemed to have ended at the time it would have ended if the partnership had not been wound up or the business disposed of. Section 37 of the Act, as amended by clause 10 of this Bill, permits partners and proprietors to make certain elections concerning their fiscal years. The new subsection to be enacted by this clause will deny a partner or proprietor the right to make an election under section 15 if, for the year in which the partnership was wound up or the business disposed of, the partner or proprietor was entitled to make an election under section 37(3).

Clause 3: The new subsection (5b) provides for the transfer of depreciable property from one prescribed class to another. When such a transfer is made the "undepreciated capital cost" to the taxpayer of depreciable property of the former class shall be adjusted so that it becomes the amount it would have been if the transferred property had never been in that class. The "undepreciated capital cost" of property of the other class to which the property is transferred is adjusted by adding to it the capital cost of the transferred property and deducting the capital cost allowances that have been allowed to date in respect of the transferred property while it was included in the former class.

The new subsection (5c) provides for the treatment of depreciable property which has been included in the wrong prescribed class for a period of years. If the Minister finds that property has been included in the wrong class he may direct that it be transferred to its correct class and in such a case the "undepreciated capital cost" of property of both the former class and the correct class will be adjusted as provided in subsection (5b).

Misclassified
property.

(b) there shall be added to the total depreciation allowed to the taxpayer for property of the other class the greater of the amounts determined under subparagraphs (i) and (ii) of paragraph (a).

(5c) Where, in calculating the amount of a deduction 5
allowed to a taxpayer under regulations made under para-
graph (a) of subsection (1) of section 11 in respect of
depreciable property of the taxpayer of a prescribed class,
there has been added to the capital cost to the taxpayer of
depreciable property of that class the capital cost of depre- 10
ciable property (hereinafter in this subsection referred to
as "added property") of another prescribed class, for the
purpose of this section and regulations made under para-
graph (a) of subsection (1) of section 11 the added property
shall, if the Minister so directs with reference to any taxation 15
year for which, within the time specified in paragraph (a)
or (b) of subsection (4) of section 46, the Minister may make
any re-assessment or additional assessment or assess tax,
interest or penalties under this Part as the circumstances
require, be deemed to have been property of the first- 20
mentioned class and not of the other class at all times before
the commencement of that year and, except to the extent
that that property or any part thereof has been disposed
of by the taxpayer before the commencement of that year,
to have been transferred from the first-mentioned class to 25
the other class at the commencement of that year."

(2) Subsection (5b) of section 20 of the said Act as
enacted by this section is applicable in determining the
undepreciated capital cost of property at any time after 30
the coming into force of this section, and subsection (5c) of
section 20 of the said Act as enacted by this section is
applicable in respect of any direction made after the coming
into force of this section.

4. Subsection (1) of section 5 of chapter 39 of the Statutes
of 1956 is applicable in respect of amounts paid under any 35
enactment of the Parliament of Canada passed in the year
1960.

5. (1) Subparagraphs (viii) and (ix) of paragraph (c) of
subsection (1) of section 27 of the said Act are repealed and 40
the following substituted therefor:

"(viii) \$3,000 in the case of a person who is entitled to a
deduction of \$2,000 under paragraph (a) of
subsection (1) of section 26 or would be so
entitled if it were not for subsection (2) of the
said section, and \$2,500 in the case of any other 45
person (but a husband and wife are entitled to
only one such deduction of \$3,000 between them),

Clause 4: This clause extends to the 1960 taxation year the provision enacted in the 1956 Statutes that children in respect of whom amounts are paid as family assistance to immigrants and settlers shall be classed as children qualified for family allowance for income tax purposes.

Clause 5: This amendment increases the maximum amount deductible on account of medical expenses. This implements paragraph 3 of the Income Tax Resolution which reads as follows:

"(3) That for the 1960 and subsequent taxation years the maximum amount deductible from income on account of medical expenses be increased to \$3,000 for taxpayers who are entitled to claim the deduction for married status and \$2,500 for other taxpayers (not exceeding \$3,000 for husband and wife together) plus \$750 in respect of each dependant of the taxpayer up to a maximum of \$3,000 in respect of dependants."

Subparagraphs (viii) and (ix) at present read as follows:

"(viii) \$2,000 in the case of a person who is entitled to a deduction of \$2,000 under paragraph (a) of subsection (1) of section 26 or would be so entitled if it were not for subsection (2) of the said section and \$1,500 in the case of any other person (but a husband and wife are entitled to only one such deduction of \$2,000 between them), and

- and
 (ix) \$750 for each dependant in respect of whom he may make a deduction from income under section 26 but not exceeding \$3,000 in respect of such dependants,"

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(2) This section is applicable to the 1960 and subsequent taxation years.

6. (1) Paragraph (a) of subsection (1) of section 31 of the said Act is repealed and the following substituted therefor:

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"(a) his income for the year from all duties performed by him in Canada and all businesses carried on by him in Canada,"

(2) Section 31 of the said Act is further amended by adding thereto the following subsection:

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Application of
 definition of
 "loss".

"(3) In applying paragraph (e) of subsection (1) of section 27 for the purpose of a deduction under paragraph (b) of subsection (1) of this section, paragraph (x) of subsection (1) of section 139 shall be read as follows:

'(x) "loss" means a loss from a business carried on in Canada computed by applying the provisions of this Act respecting the computation of income from a business carried on in a particular place *mutatis mutandis*, minus any amount by which a loss operated to reduce the taxpayer's income from other sources in Canada for the purpose of computing tax under Part I for the year in which the loss was sustained;'"

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(3) This section is applicable to the 1960 and subsequent taxation years.

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7. Paragraph (e) of subsection (5) of section 32 of the said Act is repealed and the following substituted therefor:

"(e) amounts deductible under paragraph (u) or (v) of subsection (1) of section 11 or under section 79B in computing income for the taxation year."

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- (ix) \$500 for each dependant in respect of whom he may make a deduction from income under section 26 but not exceeding \$2,000 in respect of such dependants,"

Clause 6: (1) and (2). These amendments provide that the income of a non-resident from employment in Canada or a business carried on in Canada shall be computed by reference only to income from Canada and not by reference to the world income of the non-resident.

Paragraph (a) at present reads as follows:

"(a) the part of his income for the year that may reasonably be attributed to the duties performed by him in Canada or the business carried on by him in Canada,"

The new subsection (3) provides that any loss that would be deducted in the computation of a non-resident person's taxable income in Canada shall be calculated by reference only to that person's business in Canada.

This amendment carries out part of paragraph 8 of the Income Tax Resolution which reads as follows:

"(8) That for the 1960 and subsequent taxation years the rules for determining income from a source be amended to specify the deductions that shall be made in computing the income of a non-resident person from a business or employment in Canada and in computing income from sources outside Canada for the purpose of calculating the foreign tax credit allowed to a person resident in Canada."

Clause 7: This amendment adds the underlined words to require that amounts deductible from income in the year under paragraphs (u) and (v) of subsection (1) of section 11 of the Act shall be deducted from earned income instead of from investment income. Amounts deductible under paragraph (u) are amounts withdrawn from a pension plan and transferred into another pension plan or into a registered retirement savings plan, and amounts deductible under paragraph (v) are amounts on account of estate tax or provincial succession duties as provided by clause 1.

8. In its application to the 1960 and 1961 taxation years, subsection (1) of section 33 of the said Act shall be read and construed as though there were substituted for the expression "10%" in each case where that expression appears therein, the expression "13%".

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9. (1) Subsection (3) of section 36 of the said Act is repealed and the following substituted therefor:

Amounts to be subtracted from payment out of pension fund.

"(3) In determining the amount of any payment or payments made in a taxation year out of or under a superannuation or pension fund or plan that shall be deemed, for the purpose of this section, not to be income of the taxpayer by whom it is or they are received, there shall be subtracted from the amount of the payment or payments so made

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(a) any amount deductible under paragraph (u) of subsection (1) of section 11 in computing his income for that year, and

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(b) any amount deductible under paragraph (v) of subsection (1) of section 11 by reason of that payment or those payments in computing his income for that year.

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Amount to be subtracted from payment as death benefit.

(4) In determining the amount of any payment or payments made in a taxation year as a death benefit that shall be deemed, for the purpose of this section, not to be income of the taxpayer by whom it is or they are received, there shall be subtracted from the amount of the payment or payments so made any amount deductible under paragraph (v) of subsection (1) of section 11 by reason of that payment or those payments in computing his income for that year."

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(2) This section is applicable to the 1960 and subsequent taxation years.

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10. (1) All that portion of subsection (1) of section 37 of the said Act following paragraph (ii) thereof is repealed and the following substituted therefor:

"but where a taxpayer elects to have those rules applicable for a taxation year, no amount is deductible under paragraph (e) of subsection (1) of section 27 in computing his taxable income for the year."

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Clause 8: This amendment provides that the credit allowed to individual taxpayers in the Province of Quebec against their federal income tax for 1960 and 1961 will be 13% of their tax otherwise payable.

This implements paragraph 1 of the Income Tax Resolution which reads as follows:

"(1) That the increase from 10 per cent to 13 per cent in the deduction from tax granted to taxpayers in a province which imposes an income tax on individuals be continued for the 1960 and 1961 taxation years."

Clause 9. This amendment provides that a taxpayer who may deduct certain amounts from income under section 11 of the Act does not also have the right to have an equal amount excluded from income for the purpose of the graduated rates and taxed under the special taxation formula available under section 36 of the Act. The amounts deductible under section 11 which are referred to are amounts withdrawn from a pension plan and transferred into another pension plan or into a registered retirement savings plan, and amounts deductible on account of estate tax or provincial succession duties.

Subsection (3) at present reads as follows:

"(3) In determining the amount of any payment or payments made in a taxation year that shall be deemed, for the purpose of this section, not to be income of the taxpayer by whom it or they are received, there shall be subtracted from the amount of the payment or payments so made any amount deductible under paragraph (u) of subsection (1) of section 11 in computing the income of the taxpayer for that year."

Clause 10: (1) The amendment to subsection (1) of section 37 is consequential upon the change made in paragraph (e) of subsection (1) of section 27 in 1958.

The portion of subsection (1) being repealed at present reads as follows:

"but, when a taxpayer elects to have those rules applicable for a taxation year, no amount is deductible under paragraph (e) of subsection (1) of section 27 in respect of the same business in computing his taxable income for the year."

(2) Subsections (2) and (3) of section 37 of the said Act are repealed and the following substituted therefor:

“Earnings period” defined.

“(2) In this section, “earnings period” means

- (a) a fiscal period of a business of which a taxpayer was the proprietor during which he did not carry on and was not a partner in any other business and was not an employee, 5
- (b) a fiscal period of a partnership of which the taxpayer was a member during which he was not a member of any other partnership, did not carry on any business of which he was the sole proprietor and was not an employee, and 10
- (c) a period of employment of the taxpayer during which he did not carry on and was not a partner in any business, 15

except any such period in respect of which a separate return of the taxpayer’s income may be filed under subsection (4) of section 44.

Two or more earnings periods ending in same year.

(3) Where, in the case of a taxpayer who is an individual, there would otherwise be included in computing the income of the taxpayer for a taxation year from one or more businesses, partnerships or employments referred to in subsection (2), income therefrom for each of two or more earnings periods ending in the year, and the aggregate of the number of days in the earnings periods is greater than the number of days in the taxation year, the following rules are, if the taxpayer so elects, applicable: 20

- (a) the taxpayer’s income from such one or more businesses, partnerships or employments for the taxation year shall be deemed, for the purposes of this Part, to be that proportion of the aggregate of the incomes therefrom that the number of days in the taxation year is of the aggregate of the number of days in the earnings periods, and 30
- (b) the taxpayer shall pay in addition to any other tax payable for the year a tax on the amount by which the aggregate of the incomes from such one or more businesses, partnerships or employments for the taxation year exceeds his income therefrom determined under paragraph (a), equal to the proportion thereof that the tax payable under this Part for the year (other than the tax payable under this paragraph) is of his taxable income for the year when the amount included as his income from such one or more businesses, partnerships or employments is the amount determined under paragraph (a); 35 40 45

but where a taxpayer elects to have those rules applicable for a taxation year, no amount is deductible under paragraph (e) of subsection (1) of section 27 in computing his taxable income for the year. 50

(2) This subclause extends an existing relieving provision of the Act covering the situation where an individual has to include income earned over a period longer than 12 months in his return for the year. The existing provision provides for a case where an individual who was a proprietor or partner of a business ceases to carry on that business and takes up employment for the remainder of the year. The new provision provides also for the case where such an individual carries on a new business or enters a new partnership for the remainder of the year.

An individual may not make an election for a taxation year under the new subsection (3) if he has made an election under section 15 of the Act under which the fiscal period of a partnership or business that would otherwise have ended earlier is deemed to have ended in the taxation year concerned.

Subsections (2) and (3) at present read as follows:

“(2) Where there would otherwise be included in computing the income of an individual for a taxation year under this Part

(a) income from

(i) a business of which he was the proprietor at a time when he did not carry on and was not a partner in any other business and was not an employee, or

(ii) a partnership of which he was a member at a time when he was not a member of any other partnership, did not carry on any business of which he was the sole proprietor and was not an employee, for each of one or more fiscal periods ending in the year, and

(b) income from an employment that was received after ceasing to carry on the business or withdrawing from the partnership,

and the aggregate of the number of days in the fiscal periods and the number of days in the taxation year during which he was so employed after ceasing to carry on the business or to be a member of the partnership is greater than the number of days in the taxation year, the following rules are, if the taxpayer so elects, applicable:

(c) the taxpayer's income from the business or partnership and the employment for the taxation year shall be deemed for the purpose of this Part to be the proportion of the aggregate of the incomes therefrom that the number of days in the taxation year is of the aggregate of the number of days in the fiscal period or periods plus the number of days in the taxation year during which he was so employed after ceasing to carry on the business or to be a member of the partnership; and

(d) the taxpayer shall pay in addition to any other tax payable for the year a tax on the amount by which the aggregate of the incomes from the business or partnership and the employment for the taxation year exceeds his income from the business or partnership and the employment for the year determined under paragraph (c) equal to the proportion thereof that the tax payable under this Part for the year (other than the tax payable under this paragraph) is of his taxable income for the year when the amount included as income from the business or partnership and the employment is the amount determined under paragraph (c);

but when a taxpayer elects to have those rules applicable for a taxation year, no amount is deductible under paragraph (e) of subsection (1) of section 27 in respect of the same business in computing his taxable income for the year.

(3) Subsection (1) does not apply in a case to which the rules mentioned in subsection (2) are applicable.”

Election.

(4) An election by a taxpayer to have the rules referred to in subsection (1) applicable for a taxation year is not valid if the taxpayer may elect to have the rules referred to in subsection (3) applicable for the year.

Idem.

(5) An election by a taxpayer to have the rules referred to in subsection (3) applicable for a taxation year is not valid if the taxpayer has made an election under subsection (2) or (3) of section 15 under which the fiscal period of a partnership or business that would have otherwise ended in the immediately preceding year is deemed to have ended in the year." 5 10

(3) This section is applicable to the 1960 and subsequent taxation years.

11. (1) Subsection (4) of section 39 of the said Act is repealed and the following substituted therefor: 15

Idem.

"(4) For the purpose of this section, one corporation is associated with another in a taxation year if, at any time in the year,

- (a) one of the corporations controlled the other,
- (b) both of the corporations were controlled by the same person or group of persons, 20
- (c) each of the corporations was controlled by one person and the person who controlled one of the corporations was related to the person who controlled the other, and one of those persons owned directly or indirectly one or more shares of the capital stock of each of the corporations, 25
- (d) one of the corporations was controlled by one person and that person was related to each member of a group of persons that controlled the other corporation, and one of those persons owned directly or indirectly one or more shares of the capital stock of each of the corporations, or 30
- (e) each of the corporations was controlled by a related group and each of the members of one of the related groups was related to all of the members of the other related group, and one of the members of one of the related groups owned directly or indirectly one or more shares of the capital stock of each of the corporations. 35 40

Idem.

- (4a) For the purpose of subsection (4),
 - (a) one person is related to another person if they are "related persons" or persons related to each other within the meaning of subsection (5a) of section 139;
 - (b) "related group" has the meaning given that expression in subsection (5c) of section 139; and
 - (c) subsection (5d) of section 139 is applicable *mutatis mutandis*." 45

Clause 11: (1) This amendment, which provides rules for determining when one corporation is associated with another, implements paragraph 9 of the Income Tax Resolution which reads as follows:

"(9) That for the 1961 and subsequent taxation years for purposes of the provision that only one of a group of associated corporations shall receive the benefit of the lower rate of tax on the first \$25,000 of taxable income the present rule for determining whether one corporation is associated with another, which is based on ownership of shares, be replaced by a rule related to control of the corporations."

Subsection (4) at present reads as follows:

- "(4) For the purpose of this section, one corporation is associated with another in a taxation year if, at any time in the year,
 - (a) one of them owned directly or indirectly 70% or more of all the issued common shares of the capital stock of the other, or
 - (b) 70% or more of all the issued common shares of the capital stock of each of them is owned directly or indirectly by
 - (i) one person,
 - (ii) two or more persons jointly, or
 - (iii) persons not dealing with each other at arm's length one of whom owned directly or indirectly one or more of the shares of the capital stock of each of the corporations."

Saving
provision.

(2) Subsection (6) of section 39 of the said Act is repealed and the following substituted therefor:

“(6) Where one corporation (hereinafter in this subsection referred to as the “controlled corporation”) would, but for this subsection, be associated with another corporation in a taxation year by reason of being controlled by the other corporation or by reason of both of the corporations being controlled by the same person at a particular time in the year (which corporation or person so controlling the controlled corporation is hereinafter in this subsection referred to as the “controller”), and it is established to the satisfaction of the Minister that

(a) there was in effect at the particular time an agreement or arrangement enforceable according to the terms thereof, under which, upon the satisfaction of a condition or the happening of an event that it is reasonable to expect will be satisfied or happen, the controlled corporation will

- (i) cease to be controlled by the controller, and
- (ii) become controlled by a person or group of persons, with whom or with each of the members of which, as the case may be, the controller was at the particular time dealing at arm's length; and

(b) the chief purpose for which the controlled corporation was at the particular time so controlled was the safeguarding of rights or interests of the controller in respect of

- (i) any loan made by the controller the whole or any part of the principal amount of which was outstanding at the particular time, or
- (ii) any shares of the capital stock of the controlled corporation that were owned by the controller at the particular time and that were, under the agreement or arrangement, to be redeemed by the controlled corporation or purchased by the person or group of persons referred to in subparagraph (ii) of paragraph (a);

the controlled corporation and the other corporation with which it would otherwise be so associated in the year shall be deemed, for the purpose of this section, not to be associated with each other in the year.”

(3) This section is applicable to the 1961 and any subsequent taxation year of a corporation, but is applicable to the 1961 taxation year of a corporation only if, under subsection (4) of section 39 of the said Act as enacted by this section, the corporation is associated with another corporation in that taxation year by reason of the application of any of paragraphs (a) to (e) of that subsection to such corporations at any time after 1960.

(2) This amendment provides that corporations which would otherwise be associated with each other shall not be associated in certain circumstances.

Subsection (6) at present reads as follows:

"(6) For the purposes of this section, one corporation is associated with another in a taxation year if, at any time in the year, one of them and one or more corporations with which that one is, for the purpose of this section, associated or deemed to be associated, owned in the aggregate directly or indirectly 70% or more of all the issued common shares of the capital stock of the other."

(3) This subclause provides that the new rules for determining when one corporation is associated with another shall not apply until after December 31, 1960.

Deduction
from
corporation
tax.

12. (1) Subsection (1) of section 40 of the said Act is repealed and the following substituted therefor:

"**40.** (1) There may be deducted from the tax otherwise payable by a corporation under this Part for a taxation year an amount equal to

- (a) 10% of the corporation's taxable income earned in the year in a province prescribed by a regulation made on the recommendation of the Minister of Finance that was, for the fiscal year commencing in the calendar year in which the year ended, a prescribed province as defined in section 9A of the *Federal-Provincial Tax-Sharing Arrangements Act*, and
- (b) 9% of the corporation's taxable income earned in the year in any other province prescribed by a regulation made on the recommendation of the Minister of Finance."

(2) This section is applicable to the 1960 and 1961 taxation years, but where a corporation has a taxation year part of which is before the 1st day of January and part of which is after the 31st day of December immediately preceding the first fiscal year for which a province was a province described in paragraph (a) of subsection (1) of section 40 of the said Act as enacted by this section, the tax payable by the corporation under Part I of the said Act for the taxation year is the aggregate of

- (a) that proportion of the tax computed under Part I of the said Act as it was before being amended by this section (computed, if the province was not for the year immediately preceding the taxation year a province prescribed by a regulation made on the recommendation of the Minister of Finance for the purpose of section 40, as though the province were not for the taxation year a province so prescribed) that the number of days in that portion of the taxation year that is before the said 1st day of January is of the number of days in the whole taxation year, and
- (b) that proportion of the tax computed under Part I of the said Act as amended by this section that the number of days in that portion of the taxation year that is after the said 31st day of December is of the number of days in the whole taxation year.

13. (1) Paragraph (a) of subsection (1) of section 41 of the said Act is repealed and the following substituted therefor:

"(a) any income or profits tax paid by him to the government of a country other than Canada for the year

Clause 12: (1) This amendment, which deals with the deduction from income tax allowed to corporations in certain provinces, implements paragraph 2 of the Income Tax Resolution which reads as follows:

"(2) That for the 1960 and 1961 taxation years the deduction from tax allowed to corporations in respect of income earned in a province which imposes an income tax on corporations and in which arrangements exist for the replacement of federal grants to universities by additional provincial grants in accordance with the proposed amendments to the Federal-Provincial Tax Sharing Arrangements Act be increased from 9 per cent to 10 per cent in respect of income earned after December 31, 1959."

Subsection (1) at present reads as follows:

"*40. (1) There may be deducted from the tax otherwise payable by a corporation under this Part for a taxation year an amount equal to 9% of the corporation's taxable income earned in the year in a province prescribed by a regulation made on the recommendation of the Minister of Finance."

(2) This subclause provides for the application of the above amendment to those companies whose fiscal year does not coincide with the calendar year.

Clause 13: (1) (2) and (3) These amendments, which make less restrictive the rules for calculating the amount of credit a taxpayer may claim in respect of taxes paid to a foreign country, implement paragraph 7 of the Income Tax Resolution which reads as follows:

(except any such tax or part thereof that may reasonably be regarded as having been paid by him in respect of dividends received from that country, by reason of which he is entitled to a deduction under subsection (1) of section 28 for the year in which they were received), or” 5

(2) Subparagraph (i) of paragraph (b) of subsection (1) of section 41 of the said Act is repealed and the following substituted therefor:

“(i) the taxpayer’s income 10
 (A) for the year, if section 29 is not applicable, or
 (B) if section 29 is applicable, for the period or periods in the year referred to in paragraph (a) thereof, 15
 from sources in that country, minus amounts that are deductible under subsection (1) of section 28 by reason of dividends received from a corporation described in paragraph (d) of subsection (1) of section 28 that were included in 20
computing his income for the year or such period or periods, as the case may be, from sources in that country,”

(3) Paragraph (a) of subsection (1a) of section 41 of the said Act is repealed and the following substituted 25 therefor:

“(a) any income or profits tax paid by it to the government of a country other than Canada for the year (except any such tax or part thereof that may reasonably be regarded as having been paid by it 30 in respect of dividends received from that country, by reason of which it is entitled to a deduction under subsection (1) of section 28 for the year in which they were received), or”

(4) Clause (A) of subparagraph (i) of paragraph (b) 35 of subsection (1a) of section 41 of the said Act is repealed and the following substituted therefor:

“(A) its income for the year from the business carried on by it in that country,”

(5) Clause (A) of subparagraph (ii) of paragraph (b) 40 of subsection (1a) of section 41 of the said Act is repealed and the following substituted therefor:

“(A) its income for the year from sources in that country, other than income from the

“(7) That for the 1960 and subsequent taxation years, for purposes of calculating the amount of the credit a taxpayer may claim in respect of taxes paid to a foreign country, the limitation at present computed by reference to the tax paid to the foreign country on that part of his income from sources in the foreign country that is also subject to tax in Canada be amended so as to be computed by reference to the income tax (other than income tax on dividends which are deductible by the taxpayer) paid to the foreign country.”

The effect of this amendment is that the credit allowed for foreign taxes will be the full amount of the foreign tax paid in the year to the extent that it is not in excess of the Canadian tax payable on the income from the sources in the foreign country as computed for Canadian tax purposes. A credit will not be allowed for foreign tax paid on dividends that are exempt from tax in Canada.

Paragraph (a) at present reads as follows:

“(a) the tax paid by him to the government of a country other than Canada on that part of his income from sources therein for the year upon which he is subject to tax under this Part for the year, or”

Subparagraph (i) at present reads as follows:

“(i) that part of the taxpayer's income

(A) for the year, if section 29 is not applicable, or

(B) if section 29 is applicable, for the period or periods in the year referred to in paragraph (a) thereof,

from sources in that country that was not exempt from income tax in that country minus amounts that are deductible for the year or such period or periods, as the case may be, under paragraph (d) of subsection (1) of section 28,”

Paragraph (a) at present reads as follows:

“(a) the tax paid by it to the government of that country on that part of its income from sources therein for the year upon which it is subject to tax under this Part for the year, or”

(4) This amendment makes a change in wording to conform with the remainder of the amendments to section 41.

Clause (A) at present reads as follows:

“(A) that part of its income for the year from sources in that country that consisted of income from the business carried on by it in that country and that was not exempt from income tax in that country,”

(5) This amendment is consequential upon the amendments referred to above.

Clause (A) at present reads as follows:

“(A) that part of its income for the year from sources in that country, other than income from the business carried on by it in that country, that was not exempt from income tax in that country minus amounts that are deductible for the year under paragraph (d) of subsection (1) of section 28,”

business carried on by it in that country, minus amounts that are deductible under subsection (1) of section 28 by reason of dividends received from a corporation described in paragraph (d) thereof that were included in computing its income for the year from sources in that country," 5

(6) Paragraphs (b) and (c) of subsection (2) of section 41 of the said Act are repealed.

(7) Subsection (6) of section 41 of the said Act is repealed 10 and the following substituted therefor:

Foreign tax.

"(6) A tax paid by a taxpayer to the government of a country other than Canada for a taxation year may, subject to prescribed conditions, be deemed, for the purposes of this section, to be an income or profits tax paid by him to the government of that country for the year." 15

(8) This section is applicable to the 1960 and subsequent taxation years.

14. (1) Section 43A of the said Act is repealed and the following substituted therefor: 20

Incorrect valuation of inventory: election.

"**43A.** Where the property described in the inventory of a business at the commencement of a taxation year has, according to the method adopted by the taxpayer for computing income from the business for that year, not been valued as required by subsection (2) of section 14, 25 the property described therein at the commencement of that year shall, if the Minister so directs, be deemed to have been valued as required by subsection (2) of section 14, and, in any such case, the provisions of section 43 shall apply *mutatis mutandis* as though any amount by which 30 the taxpayer's income for the year is increased by virtue of this section were an amount included in computing his income for the year by virtue of section 20."

(2) This section is applicable to the 1960 and subsequent taxation years. 35

15. (1) Subsection (4) of section 46 of the said Act is repealed and the following substituted therefor:

Idem.

"(4) The Minister may at any time assess tax, interest or penalties under this Part or notify in writing any person by whom a return of income for a taxation year has been filed 40 that no tax is payable for the taxation year, and may

(6) This amendment repeals two paragraphs which become unnecessary by reason of the changes in wording made by subclauses (1) to (5) above.

The paragraphs being repealed read as follows:

- “(b) the expression in subsection (1) “amounts that are deductible for the year or such period or periods, as the case may be, under paragraph (d) of subsection (1) of section 28” shall be read as referring, in the case of the computation of the deduction under subsection (1) in respect of each country, to the amounts that are deductible under the said paragraph (d) by reason of dividends received from that country, and
- (c) the expression in subsection (1a) “amounts that are deductible for the year under paragraph (d) of subsection (1) of section 28” shall be read as referring, in the case of the computation of the deduction under subsection (1a) in respect of each country, to the amounts that are deductible under the said paragraph (d) by reason of dividends received from that country.”

(7) This amendment is consequential upon the amendments referred to above.

Subsection (6) at present reads as follows:

“(6) A tax paid by a taxpayer to the government of a country other than Canada for a taxation year may, subject to prescribed conditions, be deemed, for the purposes of this section, to be a tax paid by him to the government of that country on that part of his income from sources therein for the year upon which he is subject to tax under this Part for the year.”

Clause 14: This amendment adds the underlined words for clarification. When section 43A was added to the Act in 1958 a reference to section 14 was adequate because at that time section 14 had only one subsection. The addition of a further subsection to section 14 in 1959 makes this amendment necessary.

Clause 15: This amendment adds a provision that the four-year time limit after which the Minister may not make a re-assessment applies after the Minister has sent a notification in writing that no tax is payable for the year. It also provides that the taxpayer may waive the four-year time limit. Finally it makes clear that the day of mailing a notice of assessment or a notification shall be the date of the commencement of the four-year period during which re-assessments may be made.

- (a) at any time, if the taxpayer or person filing the return
- (i) has made any misrepresentation or committed any fraud in filing the return or in supplying any information under this Act, or
 - (ii) has filed with the Minister a waiver in prescribed form within 4 years from the day of mailing of a notice of an original assessment or of a notification that no tax is payable for a taxation year, and
- (b) within 4 years from the day referred to in subparagraph (ii) of paragraph (a), in any other case, re-assess or make additional assessments, or assess tax, interest or penalties under this Part, as the circumstances require."

(2) This section is applicable in respect of any notice of an original assessment or notification described in subsection (4) of section 46 of the said Act as enacted by this section, whether mailed before or after the day this section came into force, except that nothing in this section shall be construed as rendering invalid any re-assessment or additional assessment made before that day.

16. (1) Section 56 of the said Act is amended by adding thereto the following subsections:

Statements or omissions in return.

"(2) Every person who, knowingly, or under circumstances amounting to gross negligence in the carrying out of any duty or obligation imposed by or under this Act, has made, or has participated in, assented to or acquiesced in the making of, a statement or omission in a return, certificate, statement or answer filed or made as required by or under this Act or a regulation, as a result of which the tax that would have been payable by him for a taxation year if the tax had been assessed on the basis of the information provided in the return, certificate, statement or answer is less than the tax payable by him for the year, is liable to a penalty of 25% of the amount by which the tax that would so have been payable is less than the tax payable by him for the year.

Saving provision.

(3) Where a person is liable to a penalty under subsection (2) in respect of any statement or omission in a return, certificate, statement or answer filed or made as required by or under this Act or a regulation, he is not liable to any penalty under subsection (1) in respect of the same statement or omission."

(2) This section is applicable in respect of any statement or omission in a return, certificate, statement or answer filed or made after the coming into force of this section.

This implements paragraphs 10 and 11 of the Income Tax Resolution which read as follows:

"(10) That the four year period, after which the minister may not make a re-assessment of the tax payable for a taxation year unless there has been fraud or misrepresentation by the taxpayer or the person filing the return, shall commence with the date of mailing by the minister to the taxpayer of the original assessment or of a notification that no tax was payable for the year.

(11) That the four year time limit, after which the minister may not make a re-assessment unless there has been fraud or misrepresentation by the taxpayer or person filing the return, may be waived by the taxpayer by notice to the minister."

Clause 16. These new subsections provide that the Minister may impose a penalty of 25% if the taxpayer knowingly, or under circumstances amounting to gross negligence, has made statements or omissions which reduce his tax below what it should have been. This penalty will apply only with respect to statements or omissions made after the coming into force of this Bill. The penalty up to 50% that is now provided by section 56 in the case of anyone who has wilfully evaded, or attempted to evade, payment of tax will not apply in respect of any statement or omission for which a penalty may be imposed under the new provision.

17. (1) Section 58 of the said Act is amended by adding thereto the following subsection:

Idem.

"(4) A re-assessment made by the Minister pursuant to subsection (3) is not invalid by reason only of not having been made within 4 years from the day of mailing of a notice of an original assessment or of a notification described in subsection (4) of section 46." 5

(2) This section is applicable in respect of any re-assessment whether made before or after the coming into force of this section, except where an appeal from any such re-assessment was instituted before the coming into force of this section. 10

18. (1) Section 63 of the said Act is amended by adding thereto, immediately after subsection (8) thereof, the following subsection: 15

Proceeds of disposition.

"(8a) Where depreciable property of a trust or estate has been distributed to a beneficiary or other person beneficially interested therein, the property so distributed shall, for the purpose of a deduction under paragraph (a) of subsection (1) of section 11 and for the purpose of section 20, be deemed to have been sold by the trust or estate at the time of the distribution of the property for an amount equal to the value, at that time, of the property." 20

(2) Paragraph (a) of subsection (11) of section 63 of the said Act is repealed and the following substituted therefor: 25

"(a) the income of the trust or estate for the taxation year (before making any deduction under subsection (4)) from shares of the capital stock of taxable corporations, including all amounts that it is, by subsection (3) of section 8, deemed to have received in the year as dividends, and the amount by which its income for the year was increased by the operation of section 81," 30

(3) All that portion of paragraph (b) of subsection (12) of section 63 of the said Act preceding subparagraph (i) thereof is repealed and the following substituted therefor: 35

"(b) a beneficiary or other person beneficially interested in a trust or estate shall be deemed to have paid as income tax for a taxation year, on the income that he is deemed by paragraph (a) to have for the year from sources in a foreign country, to the government of that country an amount equal to that proportion of the income or profits tax paid to that government by the trust or estate for the year that" 40

Clause 17: This new subsection makes it clear that the Minister may make a re-assessment after receiving a notice of objection from the taxpayer even although four years have passed from the day of mailing a notice of an original assessment or a notification that no tax was payable for the year.

Clause 18: (1) This new subsection provides that for purposes of recapture of capital cost allowances any depreciable property distributed by a trust or estate to a beneficiary shall be deemed to have been sold by the trust or estate at the time of its distribution.

(2) The paragraph being amended deals with the dividend tax credit allowed to the beneficiary of a trust or estate on account of dividends included in the income of the trust or estate. This amendment makes it clear that interest on income bonds and income debentures that is deemed by section 8 to be a dividend qualifies for the dividend tax credit and other amounts added to income by section 8 do not so qualify.

Paragraph (a) at present reads as follows:

“(a) the income of the trust or estate for the taxation year (before making any deduction under subsection (4)) from shares of the capital stock of taxable corporations, including the amount by which its income for the year was increased by the operation of sections 8 and 81,”

(3) and (4) The paragraphs being amended deal with the credit which a beneficiary of a trust or estate may claim in respect of foreign taxes paid on the income of the trust or estate. These amendments are consequential upon the amendment to the provisions for calculating foreign tax credits made by clause 13.

Paragraph (b) at present reads as follows:

“(b) a beneficiary or other person beneficially interested in a trust or estate shall be deemed to have paid as income tax, on the income that he is deemed by paragraph (a) to have for a taxation year from sources in a foreign country, to the government of that country an amount equal to that proportion of the tax paid to that government by the trust or estate on its income from sources in that country for the year that

(i) that portion of the amount included in computing his income for the year by virtue of subsection (6) that is, by paragraph (a), deemed to have been income for the year from sources in that country,

is of

(ii) the income of the trust or estate for the year from sources in that country (before making any deduction under subsection (4));”

(4) Paragraph (d) of subsection (12) of section 63 of the said Act is repealed and the following substituted therefor:

“(d) a trust or estate shall be deemed to have paid as income tax to the government of a country other than Canada for a taxation year an amount equal to the income or profits tax actually paid by it to the government of that country for the year minus the aggregate of the amounts deemed by paragraph (b) to have been paid to that government for the year by beneficiaries and other such persons.”

(5) Subsection (1) is applicable in respect of any distribution of depreciable property after the coming into force of this section, and subsections (2) to (4) are applicable to the 1960 and subsequent taxation years.

19. (1) Paragraph (a) of subsection (10) of section 67 of the said Act is repealed and the following substituted therefor:

“(a) the income of the personal corporation (from which the dividend is so deemed to have been received) for the taxation year from shares of the capital stock of taxable corporations, including all amounts that it is, by subsection (3) of section 8, deemed to have received in the year as dividends, and the amount by which its income for the year was increased by the operation of section 81,”

Benefits
taxable.

(2) All that portion of subsection (11) of section 67 of the said Act following paragraph (b) thereof is repealed and the following substituted therefor:

“and he shall be deemed, for the purpose of section 41, to have paid as income tax thereon to the government of that country for the year an amount equal to that proportion of the income or profits tax paid or deemed to have been paid to that government for the year by the personal corporation (from which the dividend is deemed to have been received) that

(c) the dividend he is so deemed to have received, is of

(d) the income of the personal corporation deemed to have been distributed to its shareholders on that day.”

(3) This section is applicable to the 1960 and subsequent taxation years.

Paragraph (d) at present reads as follows:

- "(d) a trust or estate shall be deemed to have paid as income tax on its income for a taxation year from sources in a foreign country to the government of that country an amount equal to the tax actually so paid by it minus the aggregate of the amounts deemed by paragraph (b) to have been paid to that government for the year by beneficiaries and other such persons."

Clause 19: (1) The subsection being amended deals with the dividend tax credit allowed to shareholders of personal corporations. The amendment clarifies the wording to ensure that each shareholder will receive a dividend tax credit in respect of his share of interest on income bonds and income debentures that is deemed by section 8 to be a dividend.

Paragraph (a) at present reads as follows:

- "(a) the income of the personal corporation (from which the dividend is so deemed to have been received) for the taxation year from shares of the capital stock of taxable corporations, including the amount by which its income for the year was increased by the operation of subsection (3) of section 8 and section 81,"

(2) The subsection being amended deals with the credit which a person who is deemed to have received a dividend from a personal corporation may claim in respect of foreign taxes paid on the income of the personal corporation. This amendment is consequential upon the amendment to the provision for calculating foreign tax credits made by clause 13.

Subsection (11) at present reads as follows:

"(11) Where a dividend is deemed by this section to have been received from a personal corporation on the last day of a taxation year of the corporation by an individual or another personal corporation, the person by whom the dividend is so deemed to have been received shall, for the purpose of section 41, be deemed to have income on that day from sources in a foreign country equal to that proportion of the dividend that he is so deemed to have received that

- (a) the income of the personal corporation (from which the dividend is so deemed to have been received) for that taxation year from sources in that country,

is of

(b) the income of that personal corporation for the year; and he shall be deemed, for the purpose of section 41, to have paid income tax thereon to the government of that country equal to that proportion of the tax paid or deemed to have been paid to that government by the personal corporation (from which the dividend is deemed to have been received) on its income from sources in that country that

- (i) the dividend he is so deemed to have received is of
(ii) the income of that personal corporation deemed to have been distributed to its shareholders on that day."

20. (1) Subparagraph (i) of paragraph (e) of subsection (2) of section 69 of the said Act is repealed and the following substituted therefor:

“(i) 21% of its taxable income for the year, and”

(2) This section is applicable to the 1959 and subsequent 5
taxation years.

21. (1) All that portion of subsection (1) of section 70 of the said Act following paragraph (b) thereof is repealed and the following substituted therefor:

“and in computing its income no deduction shall be 10
made in respect of interest on its bonds, debentures, securi-
ties or other indebtedness and no deduction shall be made
under paragraph (b) of subsection (1) of section 11 or sub-
section (2) of section 11.”

(2) This section is applicable to the 1960 and subsequent 15
taxation years.

22. (1) Paragraph (b) of subsection (8) of section 81 of the said Act is repealed and the following substituted therefor:

“(b) a transaction that has increased the assets of, or 20
reduced the liabilities of, the corporation by an
amount not less than the amount by which its
paid-up capital has been increased,”

(2) Paragraph (d) of subsection (8) of section 81 of the said Act is repealed and the following substituted therefor: 25

“(d) the amount by which the corporation's paid-up
capital was so increased, minus the amount, if any, by
which the assets of the corporation have been in-
creased or the liabilities of the corporation have been
reduced by virtue of the increase in its paid-up 30
capital.”

23. Paragraph (a) of subsection (1) of section 82 of the said Act is amended by adding thereto, immediately after subparagraph (iv) thereof, the following:

“(iva) amounts on which tax has been paid by the 35
corporation under Part IIc by virtue of sub-
section (1) of section 105c,”

Clause 20: This amendment changes the figure 20% to read 21% to conform with a change in tax rates made in 1959. The effect of the amendment is to reduce the amount of its taxable income that must be distributed by a corporation each year in order to qualify as an investment company.

Clause 21: This amendment adds the underlined words to provide that no deduction shall be allowed for depletion in computing the income of a non-resident-owned investment corporation. This implements paragraph 6 of the Income Tax Resolution which reads as follows:

“(6) That for the 1960 and subsequent taxation years no deduction shall be made as an allowance in respect of an oil or gas well or a mine in computing the income of a non-resident-owned investment corporation.”

Clause 22: (1) and (2) These amendments are intended to place it beyond doubt that a reduction of liabilities with an accompanying corresponding increase in paid-up capital, such as the conversion of debentures into capital stock, shall not be deemed to be a capitalization of undistributed income.

Paragraph (b) at present reads as follows:

“(b) a transaction that has increased the assets of the corporation by an amount not less than the amount by which its paid-up capital has been increased.”

Paragraph (d) at present reads as follows:

“(d) the amount by which the corporation's paid-up capital was so increased, minus the amount, if any, by which the assets of the corporation have been so increased.”

Clause 23: This new subparagraph will permit the deduction from undistributed income of a new corporation that results from an amalgamation of any amount on which tax is paid under section 105c of the Act.

24. (1) Section 83A of the said Act is amended by adding thereto, immediately after subsection (3) thereof, the following subsection:

Halite or
sylvite
drilling and
exploration
expenses.

“(3a) A corporation, other than a corporation described in subsection (3), whose principal business is production or marketing of sodium chloride or potash or whose business includes manufacturing products the manufacturing of which involves processing sodium chloride or potash, may deduct, in computing its income under this Part for a taxation year, the drilling and exploration expenses incurred by it in the year on or in respect of exploring or drilling for halite or sylvite.”

(2) Paragraphs (c) and (d) of subsection (8a) of section 83A of the said Act are repealed and the following substituted therefor:

“(c) pursuant to the purchase of such property by the successor corporation in consideration exclusively of shares of the capital stock of the successor corporation, or

(d) as a result of the distribution of such property to the successor corporation upon the winding-up of the predecessor corporation subsequently to the purchase of all or substantially all of the shares of the capital stock of the predecessor corporation by the successor corporation in consideration exclusively of shares of the capital stock of the successor corporation,”

(3) This section is applicable to the 1960 and subsequent taxation years.

25. (1) Section 85F of the said Act is amended by adding thereto, immediately after subsection (3) thereof, the following subsection:

Change in
residence.

“(3a) Where a taxpayer who, at a time when he was a resident of Canada, carried on a business the income from which was computed in accordance with the method authorized by subsection (1) has, upon or after disposing of or ceasing to carry on the business or a part of the business, ceased to be a resident of Canada in a taxation year, an amount equal to the value, at the time he ceased to be a resident of Canada, of

(a) such part of the property that would have been included in the inventory of the business or the part of the business if the income from the business had not been computed in accordance with the method authorized by subsection (1) as remained the property of the taxpayer at the time he ceased to be a resident of Canada, and

Clause 24: (1) This new subsection will permit a deduction for costs of drilling or exploring for rock salt or potash deposits. This implements paragraph (12) of the Income Tax Resolution which reads as follows:

"(12). That for the 1960 and subsequent taxation years a corporation whose principal business is production or marketing of sodium chloride or potash or whose business includes the manufacturing of products which involves processing sodium chloride or potash may deduct in computing its income drilling and exploration expenses incurred by it in the year in exploring or drilling for halite or sylvite."

(2) This amendment adds the underlined word to make it clear that the consideration for the purchase of property referred to can only be shares of capital stock.

Clause 25: This new subsection provides that where a person who was carrying on business in Canada and reporting income by the cash method ceases to be a resident of Canada, the value of the accounts receivable and of the inventory of the business at the time he ceased to be a resident of Canada shall be included in computing his income from the business for the last year in which he resided in Canada.

This implements paragraph 4 of the Income Tax Resolution which reads as follows:

"(4) That for the 1960 and subsequent taxation years, where a person who formerly carried on a business in Canada the income from which was computed by the cash method has ceased to be a resident of Canada, there shall be included in computing his income from the business for the last year in which he resided in Canada the value of the accounts receivable and inventory at the time he ceased to reside in Canada."

- (b) such part of amounts outstanding at the time he ceased to be a resident of Canada as or on account of debts owing to the taxpayer that arose in the course of carrying on the business as would have been included in computing his income for the year if the amounts had been received by him in the year at a time when he was a resident of Canada, shall be included in computing his income
- (c) for the year, if section 29 is not applicable, or
- (d) if section 29 is applicable, for the period or periods in the year referred to in paragraph (a) of section 29.”

(2) This section is applicable to the 1960 and subsequent taxation years.

26. (1) Subparagraph (ii) of paragraph (d) of subsection (2) of section 851 of the said Act is amended by striking out the word “and” at the end of clause (A) thereof, by adding the word “and” at the end of clause (B) thereof, and by adding thereto the following clause:

“(C) a reference in subparagraph (ii) of paragraph (a) of subsection (5b) of section 20 to amounts that would have been allowed to a taxpayer in respect of transferred property, at the rate that was allowed to the taxpayer in respect of property of a prescribed class, shall be construed as including a reference to amounts that would have been allowed to a predecessor corporation in respect of that property at the rate that was allowed to the predecessor corporation in respect of property of that prescribed class;”

(2) Paragraph (e) of subsection (2) of section 851 of the said Act is repealed and the following substituted therefor:

“(e) for the purpose of computing the income of the new corporation for a taxation year,

- (i) any amount that has been deducted as a reserve under paragraph (e) of subsection (1) of section 11, section 85B or section 85G in computing the income of a predecessor corporation for its last taxation year shall be deemed to have been deducted as a reserve thereunder in computing the income of the new corporation for a taxation year immediately preceding its first taxation year, and
- (ii) any amount deducted under paragraph (f) of subsection (1) of section 11 in computing the income of a predecessor corporation for its last taxation year or a previous taxation year shall

be deemed to have been deducted thereunder in computing the income of the new corporation for a taxation year immediately preceding its first taxation year.

Clause 26: (1) The addition of these new words to the paragraph which deals with the determination of undepreciated capital cost of property of a new corporation that results from an amalgamation is consequential upon the amendment dealing with transfers of depreciable property from one class to another provided by clause 3.

(2) This amendment provides that in computing the income of a new corporation that results from an amalgamation any bad debts deducted by a predecessor corporation shall be deemed to have been deducted in computing the income of the new corporation for a taxation year immediately preceding its first taxation year.

Paragraph (e) at present reads as follows:

“(e) for the purpose of computing the income of the new corporation for a taxation year, any amount that has been deducted as a reserve under paragraph (e) of subsection (1) of section 11, section 85B or section 85G in computing the income of a predecessor corporation for its last taxation year shall be deemed to have been deducted as a reserve thereunder in computing the income of the new corporation for a taxation year immediately preceding its first taxation year;”

be deemed to have been deducted thereunder in computing the income of the new corporation for a taxation year immediately preceding its first taxation year;"

(3) Subsection (2) of section 85r of the said Act is further amended by striking out the word "and" at the end of paragraph (k) thereof, by adding the word "and" at the end of paragraph (l) thereof and by adding thereto the following paragraph: 5

"(m) for the purpose of computing a deduction from the income of the new corporation for a taxation year under paragraph (d) of subsection (1) of section 85B, any amount included in computing the income of a predecessor corporation from a business for its last taxation year or a previous taxation year in respect of property sold in the course of the business shall be deemed to have been included in computing the income of the new corporation from the business for a previous year in respect thereof." 10 15

(4) Subsections (2) and (3) are applicable to the 1960 and subsequent taxation years. 20

27. Subsection (1) of section 86 of the said Act is repealed and the following substituted therefor:

"**86.** (1) There is hereby constituted a Tax Appeal Board to be appointed by the Governor in Council, consisting of the following members, namely, a Chairman and not less than 2 or more than 5 other members of whom one may be appointed Assistant Chairman." 25

28. (1) Paragraph (b) of subsection (1) of section 105c of the said Act is repealed and the following substituted therefor: 30

"(b) the value of the assets of the new corporation (other than goodwill) less the liabilities of the new corporation (other than any liability for tax under this Part), immediately after the amalgamation." 35

(2) Section 105c of the said Act is further amended by adding thereto, immediately after subsection (1) thereof, the following subsection:

"(1a) For the purpose of paragraph (b) of subsection (1), the amount of the paid-up capital of a corporation at a particular time with respect to any class of shares other than common shares shall be deemed to be a liability of the corporation at that time." 40

Board
constituted.

Idem.

(3) This new paragraph provides that a new corporation that results from an amalgamation will have the same right to claim a reserve in respect of uncollected proceeds of sales made by a predecessor corporation as the predecessor corporation would have had but for the amalgamation.

Clause 27: This amendment provides that the membership of the Tax Appeal Board in addition to the Chairman may be increased from 4 to 5.

Subsection (1) at present reads as follows:

"86. (1) There is hereby constituted a Tax Appeal Board to be appointed by the Governor in Council, consisting of the following members, namely, a Chairman and not less than 2 or more than 4 other members of whom one may be appointed as Assistant Chairman."

Clause 28: (1) This amendment adds the underlined words. The subsection being amended deals with a 20% tax imposed in certain cases on a new corporation that results from an amalgamation. The amendment makes it clear that the amount upon which tax is payable will not be increased by the tax imposed under this section.

(2) This new subsection provides that for purposes of computing the 20% tax referred to above on a new corporation that results from an amalgamation all shares of the new corporation other than common shares shall be deemed to be liabilities of the new corporation.

(3) Subsection (1) shall be deemed to have come into force on the 18th day of July, 1959, and to be applicable in respect of any amalgamation after May 13, 1959, and subsection (2) is applicable in respect of any amalgamation after March 31, 1960.

5

29. (1) Subsection (3) of section 109 of the said Act is repealed and the following substituted therefor:

Idem.

“(3) Where an amount on which an income tax is payable under this Part was paid or credited to an agent or other person for or on behalf of the person entitled to payment without the tax having been withheld or deducted under subsection (1), the agent or other person shall, notwithstanding any agreement or law to the contrary, deduct or withhold therefrom the amount of the tax and forthwith remit that amount to the Receiver General of Canada on behalf of the person entitled to payment in payment of the tax and shall submit therewith a statement in prescribed form, and he shall thereupon, for purposes of accounting to the person entitled to payment, be deemed to have paid or credited that amount to him.”

20

(2) Section 109 of the said Act is further amended by adding thereto the following subsection:

Liability for tax.

“(5) Where a person has failed to deduct or withhold any amount as required by this section from an amount paid or credited or deemed to have been paid or credited to a non-resident person, that person is liable to pay as tax under this Part on behalf of the non-resident person the whole of the amount that should have been deducted or withheld, and is entitled to deduct or withhold from any amount paid or credited by him to the non-resident person or otherwise recover from the non-resident person any amount paid by him as tax under this Part on behalf thereof.”

30

30. Paragraph (a) of subsection (8) of section 123 of the said Act is repealed and the following substituted therefor:

“(a) if the amount should have been deducted or withheld under subsection (1) of section 47 from an amount that has been paid to a person resident in Canada, or should have been deducted or withheld under section 109 from an amount that has been paid to a person not resident in Canada, 10% of the amount that should have been deducted or withheld, and”

40

This implements paragraph 5 of the Income Tax Resolution which reads as follows:

"(5) That with respect to any amalgamation after March 31, 1960 any share other than a common share of a new corporation resulting from an amalgamation shall be deemed to be a liability of the new corporation for purposes of section 105c of the Act."

Clause 29: This clause should be read in conjunction with clause 30 since both deal with the tax required to be withheld on payments such as dividends, interest, rents and royalties made to non-residents.

The amendment to subsection (3) changes the wording to conform with the wording used in clause 30.

Subsection (3) at present reads as follows:

"(3) Where an amount on which an income tax is payable under this Part was paid or credited to an agent or other person for or on behalf of the person entitled to payment without the tax having been withheld or deducted under subsection (1), the agent or other person, shall, notwithstanding any agreement or law to the contrary, forthwith remit the amount of the tax to the Receiver General of Canada on behalf of the person entitled to payment in payment of the tax and shall submit therewith a statement in prescribed form and he shall thereupon, for purposes of accounting to the person entitled to payment, be deemed to have paid or credited that amount to him."

The new subsection (5) provides that a person who has failed to withhold the tax on amounts paid to a non-resident is liable to pay the tax on behalf of the non-resident and is entitled to recover from the non-resident any tax so paid.

Clause 30: This amendment adds the underlined words. The effect of this amendment is to reduce the penalty on a person who has failed to deduct or withhold tax on amounts paid to non-residents, from the present 100% to 10% of the amount that should have been deducted or withheld.

31. Subsection (3) of section 132 of the said Act is repealed and the following substituted therefor:

Penalty upon conviction.

"(3) Where a person has been convicted under this section of wilfully, in any manner, evading or attempting to evade payment of taxes imposed by Part I, he is not liable to pay a penalty imposed under subsection (1) of section 56 for the same evasion or attempt unless he was assessed for that penalty before the information or complaint giving rise to the conviction was laid or made." 5

32. Section 136 of the said Act is amended by adding thereto, immediately after subsection (12) thereof, the following subsection: 10

Mailing date.

"(12a) For the purposes of this Act, the day of mailing of any notice of assessment or notification described in subsection (4) of section 46 shall, in the absence of any evidence to the contrary, be deemed to be the day appearing from such notice or notification to be the date thereof unless called in question by the Minister or by some person acting for him or Her Majesty." 15

33. (1) Paragraph (j) of subsection (1) of section 139 of the said Act is repealed and the following substituted therefor: 20

"Death benefit".

"(j) "death benefit" for a taxation year means the amount or amounts received in the year by any person upon or after the death of an employee in recognition of his service in an office or employment minus 25

(i) where the amount or amounts were received by his widow, the lesser of

(A) the amount or amounts so received, or 30

(B) an amount equal to the employee's salary, wages and other remuneration for the last year in that office or employment for which he received any such remuneration or \$10,000, whichever is the lesser, minus 35

amounts deductible in computing for previous years the death benefits received in respect of his service in that office or employment, or

(ii) where the employee died without leaving a widow or where no amount is deductible in computing for any year the death benefits received by his widow in respect of his service in that or any other office or employment, the lesser of 40

(A) the amount or amounts so received, or 45

Clause 31: This amendment adds the underlined words. The effect of this amendment is to confine the application of the subsection to a penalty imposed under subsection (1) of section 56. See clause 16.

Clause 32: This new subsection adds a rule under which the day of mailing of a notice of assessment or notification is presumed to be the date of such notice or notification in the absence of evidence to the contrary.

Clause 33: (1) This amendment revises the definition of "death benefits". It does not change the present exemption except for the fact that the reference to the employee's remuneration is changed to a reference to the "employee's salary, wages and other remuneration" for the last year. It provides that where an employee dies without leaving a widow the present discretion of the Minister is replaced by a rule under which the exemption shall be divided among the recipients in proportion to the amounts received. It also provides for a proration of the exemption where death benefits are received in respect of services of an employee in more than one office or employment.

Paragraph (j) at present reads as follows:

- "(j) "death benefit" for a taxation year means the amount or amounts received in the year upon or after the death of an officer or employee in recognition of his service by his legal representative or widow or by any other person whatsoever minus, where the amount or amounts have been received by his widow or, if there is no widow, by such person as the Minister may designate, the lesser of
- (i) the amount or amounts so received, or
 - (ii) an amount equal to the employee's remuneration for the last year in the office or employment or \$10,000, whichever is the lesser, minus the amounts deductible in computing for previous years the death benefits received in respect of his service;"

(B) that proportion of any amount determined as provided in clause (B) of subparagraph (i) that the amount or amounts so received are of the aggregate of all amounts received in the year, by each of the persons who received any such amount or amounts, upon or after the death of the employee in recognition of his service in that office or employment,

except that where any death benefits were received in the year in respect of the services of an employee in more than one office or employment,

(iii) this paragraph shall be read as requiring a separate determination of the death benefits received in respect of his service in each particular office or employment, and

(iv) there shall be substituted for the amount determined under clause (B) of subparagraph (i) or clause (B) of subparagraph (ii), as the case may be, in respect of each particular office or employment an amount equal to that proportion of the amount otherwise determined thereunder that the employee's salary, wages and other remuneration for the last year in that particular office or employment for which he received any such remuneration is of the aggregate of his said remuneration for the last years in each of the said offices or employments from which he received any such remuneration;"

(2) Paragraph (ak) of subsection (1) of section 139 of the said Act is repealed and the following substituted therefor:

"Salary or wages".

"(ak) "salary or wages", except in section 5 and paragraph (j) of this subsection, means the income of a taxpayer from an office or employment as computed under section 5 and includes all fees received for services not rendered in the course of the taxpayer's business but does not include superannuation or pension benefits or retiring allowances;"

(3) Paragraph (az) of subsection (1) of section 139 of the said Act is repealed.

(4) Paragraph (ba) of subsection (1) of section 139 of the said Act is repealed and the following substituted therefor:

Tax under Part I, II, IIA, IIB, or IIC.

"(ba) the tax payable by a taxpayer under Part I, II, IIA, IIB, or IIC means the tax payable by him as fixed by assessment or re-assessment subject to variation on objection or on appeal, if any, in accordance with the provisions of Part I, II, IIA, IIB or IIC, as the case may be."

Internal Revenue Code
Section 163

of the word "and" in the first sentence of section 163(a) shall be amended to read "or" and the word "and" in the second sentence of section 163(a) shall be amended to read "or".

(1) The word "and" in the first sentence of section 163(a) shall be amended to read "or" and the word "and" in the second sentence of section 163(a) shall be amended to read "or".

(2) This amendment, which adds the underlined words, is consequential upon the amendment referred to in subclause (1) above.

(3) The paragraph being repealed is replaced by the new subsections referred to under subclause 5 below.

The paragraph being repealed reads as follows:

- (a) a taxpayer's income from a business, employment, property or other source of income or from sources in a particular place means the taxpayer's income computed in accordance with this Act on the assumption that he had during the taxation year no income except from that source or those sources of income and was entitled to no deductions except those related to that source or those sources; and"

(4) This amendment adds the underlined words. Part IIc is comprised of section 105c which was added in 1959.

(5) Section 139 of the said Act is further amended by adding thereto, immediately after subsection (1) thereof, the following subsections:

Income from
a source.

“(1a) For the purposes of this Act,

(a) a taxpayer’s income for a taxation year from a 5
business, employment, property or other source of
income or from sources in a particular place means the
taxpayer’s income computed in accordance with this
Act on the assumption that he had during the taxa- 10
tion year no income except from that source or those
sources, and was allowed no deductions in computing
his income for the taxation year except such deduc-
tions as may reasonably be regarded as wholly
applicable to that source or those sources and
except such part of any other deductions as may 15
reasonably be regarded as applicable to that source or
those sources; and

(b) where the business carried on by a taxpayer or
the duties performed by him was carried on or were 20
performed, as the case may be, partly in one place
and partly in another place, the taxpayer’s income
for the taxation year from the business carried on by
him or the duties performed by him in a particular
place means the taxpayer’s income computed in 25
accordance with this Act on the assumption that he
had during the taxation year no income except from
the part of the business that was carried on or the
part of those duties that were performed in that
particular place, and was allowed no deductions in 30
computing his income for the taxation year except
such deductions as may reasonably be regarded
as wholly applicable to that part of the business or
those duties and such part of any other deductions
as may reasonably be regarded as applicable to 35
that part of the business or those duties.

Deductions
applicable.

(1b) In applying subsection (1a) for the purposes of
sections 31 and 41, all deductions allowed in computing
the income of a taxpayer for a taxation year for the purposes
of Part I, except any deduction permitted by paragraph (l),
(la), (o) or (t) of subsection (1) of section 11 or section 79B, 40
shall be deemed to be applicable either wholly or in part
to a particular source or to sources in a particular place.”

(6) Subsection (1) is applicable in respect of any amount
received upon or after the death of an employee whose
death occurred after the coming into force of this section, 45
and subsections (3) and (5) are applicable to the 1960 and
subsequent taxation years.

(5) These new subsections revise the definition of income for a taxation year from a business, employment or property and elaborate the definition of income from a source in a particular place. This implements part of paragraph 8 of the Income Tax Resolution which reads as follows:

"(8) That for the 1960 and subsequent taxation years the rules for determining income from a source be amended to specify the deductions that shall be made in computing the income of a non-resident person from a business or employment in Canada and in computing income from sources outside Canada for the purpose of calculating the foreign tax credit allowed to a person resident in Canada."

BILL C-69

to authorize the payment of interest on the capital expenditures of the Canadian National Railway System for the period from the 1st day of January, 1959 to the 31st day of June, 1960 and to amend the provisions of the Income Tax Act relating to the deduction of interest on such expenditures by the Canadian National Railway Company.

Enacted June 7, 1960.

C-69.

Third Session, Twenty-Fourth Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-69.

An Act to authorize the provision of moneys to meet certain capital expenditures of the Canadian National Railways System for the period from the 1st day of January, 1960 to the 30th day of June, 1961, and to authorize the guarantee by Her Majesty of certain securities to be issued by the Canadian National Railway Company.

First reading, June 7, 1960.

The MINISTER OF FINANCE.

3rd Session, 24th Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-69.

An Act to authorize the provision of moneys to meet certain capital expenditures of the Canadian National Railways System for the period from the 1st day of January, 1960 to the 30th day of June, 1961, and to authorize the guarantee by Her Majesty of certain securities to be issued by the Canadian National Railway Company.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

Short title.

1. This Act may be cited as the *Canadian National Railways Financing and Guarantee Act, 1960.* 5

INTERPRETATION.

Definitions.

2. In this Act,

"National Company."

(a) "National Company" means the Canadian National Railway Company;

"National System."

(b) "National System" means the National Railways as defined in the *Canadian National Railways Act* and any companies controlled by the National Company through stock ownership; and 10

"Securities."

(c) "securities" means the notes, equipment trust certificates, bonds, debentures and other securities described in subsection (1) of section 4. 15

CAPITAL EXPENSE.

Capital expenditures authorized.

3. (1) The National System is authorized,

(a) to make capital expenditures in the calendar year 1960 in the following amounts and for the following purposes:

EXPLANATORY NOTES.

The amount of \$203,950,000 appearing in clauses 4(3) and 6(2) is computed as follows:

Road property.....	\$170,207,000	
Branch line construction.....	2,259,000	
Hotels.....	3,315,000	
Equipment.....	34,977,000	
Investment in affiliated companies:		
Trans-Canada Air Lines financial requirements.....	\$ 82,350,000	
Others.....	6,842,000	
	<u>89,192,000</u>	\$299,950,000
Less:		
Uncompleted work.....		<u>30,000,000</u>
		269,950,000
Add:		
Working capital:		
Amount required to finance temporarily alterations to Victoria Bridge to co-ordinate with St. Lawrence Seaway.....		<u>10,000,000</u>
		279,950,000
Add:		
Interim financing authority January 1 to June 30, 1961, on obligations incurred prior to January 1, 1961.....		<u>86,000,000</u>
		365,950,000
Less:		
Depreciation accruals and amortization of discount on funded debt, etc., in relation to calendar year 1960.....	112,000,000	
Depreciation accruals and amortization of discount on funded debt, etc., in relation to period January 1 to June 30, 1961.....	<u>50,000,000</u>	
		162,000,000
		<u><u>\$203,950,000</u></u>

Gross Capital Expenditures:

Road property.....	\$ 170,207,000	
Branch line construction.....	2,259,000	
Hotels.....	3,315,000	
Equipment.....	34,977,000	5
Investment in affiliated companies:		
Trans-Canada Air Lines		
financial requirements....	\$ 82,350,000	
Others.....	6,842,000	
	<hr/>	
	89,192,000	10
	<hr/>	
	\$ 299,950,000	

Add:

Working Capital:

Amount required to finance temporarily alterations to Victoria Bridge to co-ordinate with St. Lawrence Seaway.....	10,000,000	15
	<hr/>	
	\$ 309,950,000	
	<hr/>	

Capital expenditures in 1961.

(b) to make capital expenditures not exceeding in the aggregate \$86,000,000 in the calendar year 1961 prior to the 1st day of July of that year, by investing in securities of Trans-Canada Air Lines to enable Trans-Canada Air Lines to discharge obligations that were incurred prior to that year and have become due and payable before that day and to discharge obligations that were incurred by the National Company for equipment, for hotels and branch lines and for general additions and betterments to road property prior to that year and have become due and payable before that day; and

Contracts for new equipment, additions and conversions prior to July 1, 1961.

(c) to enter into contracts prior to the 1st day of July, 1961, for the acquisition of new equipment and for general additions and conversions that will come in course of payment after the calendar year 1960, in amounts not exceeding in the aggregate \$51,000,000.

Power to borrow money.

(2) The National Company, with the approval of the Governor in Council, is authorized

(a) at any time prior to the 1st day of July, 1961, to borrow money by the issue and sale of securities or by way of loan from the Minister of Finance to provide the amounts required for the purposes of paragraphs (a) and (b) of subsection (1); and

(b) by the issue and sale of securities, to borrow money to repay loans made under section 6.

Statement of
amounts
borrowed.

(3) A statement of the amounts borrowed by the National Company pursuant to this section shall be included in the annual report of the National Company.

Estimate of
amounts
required.

(4) An estimate of the amounts required for the purposes of paragraph (b) of subsection (1) shall be included in the annual budget of the National System for the calendar year 1961. 5

Amount
payable
included in
budget.

(5) Any amount payable under a contract entered into pursuant to paragraph (c) of subsection (1) shall be included in the annual budget of the National System for the year in which it will become due and payable. 10

Limitations.

(6) No amounts shall be spent for a purpose mentioned in this section in excess of the amount authorized by this section in respect of that purpose, and for the purposes of this subsection any expenditure made under paragraph (b) of subsection (1) of section 3 of the *Canadian National Railways Financing and Guarantee Act, 1959*, shall be deemed to be an expenditure under paragraph (a) of subsection (1) of this section. 15

Issue of
securities.

4. (1) Subject to the provisions of this Act and with the approval of the Governor in Council, the National Company may issue notes, equipment trust certificates, bonds, debentures or other securities, bearing such rates of interest and subject to such other terms and conditions as the Governor in Council may approve, to provide amounts required for the purposes of section 3. 20 25

Application
of amounts
available.

(2) Amounts available from reserves for depreciation and debt discount amortization shall be applied towards meeting the expenditures authorized by section 3.

Maximum
amount of
securities.

(3) The aggregate principal amount of securities issued under this section outstanding at any one time shall not exceed the amount necessary to provide the National Company with the net amount of \$203,950,000 less the amount that the National Company receives in respect of the period from the 1st day of January, 1960 to the 30th day of June, 1961, both inclusive, from the sale to the Minister of Finance of preferred stock of the National Company, and for the purposes of this subsection, any securities issued under the *Canadian National Railways Financing and Guarantee Act, 1959*, in respect of the amounts required for capital expenditures under paragraph (b) of subsection (1) of section 3 of that Act, shall be deemed to have been issued under this section. 30 35 40

GUARANTEES.

Guarantee.

5. (1) The Governor in Council may authorize the guarantee by Her Majesty in right of Canada of the principal and interest of the securities and may approve or decide the form, manner and conditions of such guarantees.

Signature of guarantee.

(2) A guarantee under this Act may be signed on behalf of Her Majesty by the Minister of Finance or by such other person as the Governor in Council may designate, and such signature is conclusive evidence for all purposes that the guarantee is valid and that the relative provisions of the Act have been complied with.

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LOANS.

Minister may make loans to National Company.

6. (1) The Minister of Finance, upon application by the National Company approved by the Minister of Transport, may, with the approval of the Governor in Council, make loans to the National Company out of the Consolidated Revenue Fund of amounts required for the purposes of section 3 at such rates of interest and subject to such other terms and conditions as the Minister of Finance, with the approval of the Governor in Council, may determine, and secured by securities that the National Company is authorized to issue pursuant to this Act.

Maximum aggregate principal amount of loan.

(2) The aggregate principal amount of loans made pursuant to subsection (1) shall not exceed \$203,950,000 less the amount that the National Company receives in respect of the period from the 1st day of January, 1960 to the 30th day of June, 1961, both inclusive, from the sale to the Minister of Finance of preferred stock of the National Company.

Securities for repayment.

(3) Securities issued to secure a loan made by the Minister of Finance under this section are deemed not to be included in the amount specified in subsection (3) of section 4 if securities have been issued and sold to repay that loan.

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GENERAL.

Power to aid other companies.

7. The National Company may aid and assist, in any manner not inconsistent with section 3, any others of the companies and railways comprised in the National System and, without limiting the generality of the foregoing, may for its own requirements and also for the requirements of any others of the said companies and railways

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- (a) apply the proceeds of any issue of securities towards meeting expenditures authorized by section 3 on its own account or on account of any others of the said companies and railways, and
- (b) make advances of amounts required for meeting expenditures authorized by section 3 to any others of the said companies and railways upon or without any security, at discretion. 5

Proceeds paid to credit of Minister of Finance in trust.

8. The proceeds of any sale, pledge or other disposition of any guaranteed securities shall, in the first instance, be paid into the Consolidated Revenue Fund or shall be deposited to the credit of the Minister of Finance, in trust for the National Company, in one or more banks designated by him, and upon application to the Minister of Finance by the National Company approved by the Minister of Transport, shall be paid to the National Company by the Minister of Finance out of the Consolidated Revenue Fund, or on instructions from the Minister of Finance by the banks in which they are deposited, as the case may be, for the purposes stated in such application. 10 15 20

Minister may place amounts at disposal of Company.

9. (1) Where, at any time before the 1st day of July, 1961, the available revenues of the National System are not sufficient to pay all the operating and income charges of the National System as and when due, the Minister of Finance, upon application by the National Company approved by the Minister of Transport, may, with the approval of the Governor in Council, place at the disposal of the National Company such amounts as may be required to enable the National Company to meet all such charges. 25

Amounts reimbursed to Minister from annual revenues.

(2) All amounts placed at the disposal of the National Company pursuant to subsection (1) shall be reimbursed to the Minister of Finance from the annual revenues of the National System in so far as such revenues are sufficient, and any insufficiency shall be provided for by subsequent deficit appropriation by Parliament. 30 35

Trans-Canada Air Lines.

10. (1) Where, at any time before the 1st day of July, 1961, the available revenues of Trans-Canada Air Lines are not sufficient to pay all the operating and income charges thereof as and when due, the Minister of Finance, upon application by Trans-Canada Air Lines approved by the Minister of Transport, may, with the approval of the Governor in Council, place at the disposal of Trans-Canada Air Lines such amounts as may be required to enable Trans-Canada Air Lines to meet all such charges. 40

Amounts
reimbursed
from annual
revenues.

(2) All amounts placed at the disposal of Trans-Canada Air Lines pursuant to subsection (1) shall be reimbursed to the Minister of Finance from the annual revenues of Trans-Canada Air Lines in so far as such revenues are sufficient, and any insufficiency shall be provided for by subsequent deficit appropriation by Parliament. 5

Ss (1) of
s.6 of
R.S., c. 311.

11. For the purposes of this Act and of the *Canadian National Railways Capital Revision Act*, subsection (1) of section 6 of the *Canadian National Railways Capital Revision Act* shall be read and construed as if for the reference to the year 1960 therein there were substituted a reference to the year 1961. 10

Auditors.

12. J. A. De Lalanne of Montreal, Chartered Accountant, is appointed as independent auditor to make a continuous audit of the accounts for the year 1961 of National Railways as defined in the *Canadian National Railways Act*. 15

C-70.

Third Session, Twenty-Fourth Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-70.

An Act respecting the International
Development Association.

First reading, June 7, 1960.

THE MINISTER OF FINANCE.

THE HOUSE OF COMMONS OF CANADA.

BILL C-70.

An Act respecting the International
Development Association.

HER Majesty, by and with the advice and consent of
the Senate and House of Commons of Canada, enacts
as follows:—

Short
title.

1. This Act may be cited as the *International Development Association Act*.

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Articles of
Agreement
approved.

2. (1) The Articles of Agreement of the International Development Association, set forth in the Schedule, are hereby approved.

Acceptance of
membership,
orders and
regulations.

(2) The Governor in Council may by order authorize the acceptance on behalf of Canada of membership in the International Development Association and may make such orders and regulations as are deemed necessary for the purpose of carrying out the obligations of Canada under the Articles of Agreement or for giving effect to any of the provisions thereof.

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Bank of
Canada
designated as
depository.

3. The Bank of Canada is hereby designated as the depository in Canada in which holdings of Canadian currency and other assets of the International Development Association may be kept, and shall act as such depository in Canada.

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Payment of
subscription
out of
Consolidated
Revenue
Fund.

4. The Minister of Finance may provide for the payment out of the Consolidated Revenue Fund to the International Development Association, in the manner and at the times provided for by the Articles of Agreement, of an amount or amounts, not exceeding in the whole an amount equivalent to the subscription assigned to Canada as set forth in Schedule A to the Articles of Agreement, that is to say, thirty-seven million, eight hundred and thirty thousand United States dollars.

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3
The Minister of Finance shall prepare a report of operations under this Act for each fiscal year and shall cause the report to be laid before Parliament as soon as practicable after the end of the year but in any event not later than thirty days after the end thereof or, if Parliament is not then sitting, on any of the last thirty days next thereafter that Parliament is sitting.

1964
2000

EXPLANATORY NOTE.

The purpose of this Bill is to authorize participation by Canada in the International Development Association, the Articles of Agreement of which are set forth in the Schedule to the Bill. The Bill also provides for the payment out of the Consolidated Revenue Fund to the Association of the subscription required from Canada as a member of the Association and limits the maximum amount which the Minister of Finance may pay out of the Consolidated Revenue Fund as Canada's subscription to the Canadian dollar equivalent of United States \$37.83 million.

ARTICLES OF AGREEMENT OF THE INTERNATIONAL DEVELOPMENT ASSOCIATION

The Governments on whose behalf this Agreement is signed,

Considering:

That mutual cooperation for constructive economic purposes, healthy development of the world economy and balanced growth of international trade foster international relationships conducive to the maintenance of peace and world prosperity;

That an acceleration of economic development which will promote higher standards of living and economic and social progress in the less-developed countries is desirable not only in the interests of those countries but also in the interests of the international community as a whole;

That achievement of these objectives would be facilitated by an increase in the international flow of capital, public and private, to assist in the development of the resources of the less-developed countries,

do hereby agree as follows:

INTRODUCTORY ARTICLE.‡

The INTERNATIONAL DEVELOPMENT ASSOCIATION (hereinafter called "the Association") is established and shall operate in accordance with the following provisions:

ARTICLE I.

PURPOSES.

The purposes of the Association are to promote economic development, increase productivity and thus raise standards of living in the less-developed areas of the world included within the Association's membership, in particular by providing finance to meet their important developmental requirements on terms which are more flexible and bear less heavily on the balance of payments than those of conventional loans, thereby furthering the developmental objectives of the International Bank for Reconstruction and Development (hereinafter called "the Bank") and supplementing its activities.

The Association shall be guided in all its decisions by the provisions of this Article.

ARTICLE II.

MEMBERSHIP; INITIAL SUBSCRIPTIONS.

Section 1. Membership

(a) The original members of the Association shall be those members of the Bank listed in Schedule A hereto which, on or before the date specified in Article XI, Section 2 (c), accept membership in the Association.

(b) Membership shall be open to other members of the Bank at such times and in accordance with such terms as the Association may determine.

Section 2. Initial Subscriptions

(a) Upon accepting membership, each member shall subscribe funds in the amount assigned to it. Such subscriptions are herein referred to as initial subscriptions.

(b) The initial subscription assigned to each original member shall be in the amount set forth opposite its name in Schedule A, expressed in terms of United States dollars of the weight and fineness in effect on January 1, 1960.

(c) Ten percent of the initial subscription of each original member shall be payable in gold or freely convertible currency as follows: fifty percent within thirty days after the date on which the Association shall begin operations pursuant to Article XI, Section 4, or on the date on which the original member becomes a member, whichever shall be later; twelve and one-half percent one year after the beginning of operations of the Association; and twelve and one-half percent each year thereafter at annual intervals until the ten percent portion of the initial subscription shall have been paid in full.

(d) The remaining ninety percent of the initial subscription of each original member shall be payable in gold or freely convertible currency in the case of members listed in Part I of Schedule A, and in the currency of the subscribing member in the case of members listed in Part II of Schedule A. This ninety percent portion of initial subscriptions of original members shall be payable in five equal annual instalments as follows: the first such instalment within thirty days after the date on which the Association shall begin operations pursuant to Article XI, Section 4, or on the date on which the original member becomes a member, whichever shall be later; the second instalment one year after the beginning of operations of the Association, and succeeding instalments each year thereafter at annual intervals until the ninety percent portion of the initial subscription shall have been paid in full.

(e) The Association shall accept from any member, in place of any part of the member's currency paid in or payable by the member under the preceding subsection (d) or under Section 2 of Article IV and not needed by the Association in its operations, notes or

similar obligations issued by the government of the member or the depository designated by such member, which shall be non-negotiable, non-interest-bearing and payable at their par value on demand to the account of the Association in the designated depository.

(f) For the purposes of this Agreement the Association shall regard as "freely convertible currency":

- (i) currency of a member which the Association determines, after consultation with the International Monetary Fund, is adequately convertible into the currencies of other members for the purposes of the Association's operations; or
- (ii) currency of a member which such member agrees, on terms satisfactory to the Association, to exchange for the currencies of other members for the purposes of the Association's operations.

(g) Except as the Association may otherwise agree, each member listed in Part I of Schedule A shall maintain, in respect of its currency paid in by it as freely convertible currency pursuant to subsection (d) of this Section, the same convertibility as existed at the time of payment.

(h) The conditions on which the initial subscriptions of members other than original members may be made, and the amounts and the terms of payment thereof, shall be determined by the Association pursuant to Section 1(b) of this Article.

Section 3. Limitation on Liability

No member shall be liable, by reason of its membership, for obligations of the Association.

ARTICLE III.

ADDITIONS TO RESOURCES.

Section 1. Additional Subscriptions

(a) The Association shall at such time as it deems appropriate in the light of the schedule for completion of payments on initial subscriptions of original members, and at intervals of approximately five years thereafter, review the adequacy of its resources and, if it deems desirable, shall authorize a general increase in subscriptions. Notwithstanding the foregoing, general or individual increases in subscriptions may be authorized at any time, provided that an individual increase shall be considered only at the request of the member involved. Subscriptions pursuant to this Section are herein referred to as additional subscriptions.

(b) Subject to the provisions of paragraph (c) below, when additional subscriptions are authorized, the amounts authorized for subscription and the terms and conditions relating thereto shall be as determined by the Association.

(c) When any additional subscription is authorized, each member shall be given an opportunity to subscribe, under such conditions as shall be reasonably determined by the Association, an amount which will enable it to maintain its relative voting power, but no member shall be obligated to subscribe.

(d) All decisions under this Section shall be made by a two-thirds majority of the total voting power.

Section 2. Supplementary Resources Provided by a Member in the Currency of Another Member

(a) The Association may enter into arrangements, on such terms and conditions consistent with the provisions of this Agreement as may be agreed upon, to receive from any member, in addition to the amounts payable by such member on account of its initial or any additional subscription, supplementary resources in the currency of another member, provided that the Association shall not enter into any such arrangement unless the Association is satisfied that the member whose currency is involved agrees to the use of such currency as supplementary resources and to the terms and conditions governing such use. The arrangements under which any such resources are received may include provisions regarding the disposition of earnings on the resources and regarding the disposition of the resources in the event that the member providing them ceases to be a member or the Association permanently suspends its operations.

(b) The Association shall deliver to the contributing member a Special Development Certificate setting forth the amount and currency of the resources so contributed and the terms and conditions of the arrangement relating to such resources. A Special Development Certificate shall not carry any voting rights and shall be transferable only to the Association.

(c) Nothing in this Section shall preclude the Association from accepting resources from a member in its own currency on such terms as may be agreed upon.

ARTICLE IV.

CURRENCIES.

Section 1. Use of Currencies

(a) Currency of any member listed in Part II of Schedule A, whether or not freely convertible, received by the Association pursuant to Article II, Section 2(d), in payment of the ninety percent portion payable thereunder in the currency of such member, and currency of such member derived therefrom as principal, interest or other charges, may be used by the Association for administrative expenses incurred by the Association in the territories of such member and, insofar as consistent with sound monetary policies, in payment for goods and

services produced in the territories of such member and required for projects financed by the Association and located in such territories; and in addition when and to the extent justified by the economic and financial situation of the member concerned as determined by agreement between the member and the Association, such currency shall be freely convertible or otherwise usable for projects financed by the Association and located outside the territories of the member.

(b) The usability of currencies received by the Association in payment of subscriptions other than initial subscriptions of original members, and currencies derived therefrom as principal, interest or other charges, shall be governed by the terms and conditions on which such subscriptions are authorized.

(c) The usability of currencies received by the Association as supplementary resources other than subscriptions, and currencies derived therefrom as principal, interest or other charges, shall be governed by the terms of the arrangements pursuant to which such currencies are received.

(d) All other currencies received by the Association may be freely used and exchanged by the Association and shall not be subject to any restriction by the member whose currency is used or exchanged; provided that the foregoing shall not preclude the Association from entering into any arrangements with the member in whose territories any project financed by the Association is located restricting the use by the Association of such member's currency received as principal, interest or other charges in connection with such financing.

(e) The Association shall take appropriate steps to ensure that, over reasonable intervals of time, the portions of the subscriptions paid under Article II, Section 2(d), by members listed in Part I of Schedule A shall be used by the Association on an approximately *pro rata* basis, provided, however, that such portions of such subscriptions as are paid in gold or in a currency other than that of the subscribing member may be used more rapidly.

Section 2. Maintenance of Value of Currency Holdings

(a) Whenever the par value of a member's currency is reduced or the foreign exchange value of a member's currency has, in the opinion of the Association, depreciated to a significant extent within that member's territories, the member shall pay to the Association within a reasonable time an additional amount of its own currency sufficient to maintain the value, as of the time of subscription, of the amount of the currency of such member paid in to the Association by the member under Article II, Section 2(d), and currency furnished under the provisions of the present paragraph, whether or not such currency is held in the form of notes accepted pursuant to Article II, Section 2(e), provided, however, that the foregoing shall apply only so long as and to the extent that such currency shall not have been initially disbursed or exchanged for the currency of another member.

(b) Whenever the par value of a member's currency is increased, or the foreign exchange value of a member's currency has, in the opinion of the Association, appreciated to a significant extent within that member's territories, the Association shall return to such member within a reasonable time an amount of that member's currency equal to the increase in the value of the amount of such currency to which the provisions of paragraph (a) of this Section are applicable.

(c) The provisions of the preceding paragraphs may be waived by the Association when a uniform proportionate change in the par value of the currencies of all its members is made by the International Monetary Fund.

(d) Amounts furnished under the provisions of paragraph (a) of this Section to maintain the value of any currency shall be convertible and usable to the same extent as such currency.

ARTICLE V.

OPERATIONS.

Section 1. Use of Resources and Conditions of Financing

(a) The Association shall provide financing to further development in the less-developed areas of the world included within the Association's membership.

(b) Financing provided by the Association shall be for purposes which in the opinion of the Association are of high developmental priority in the light of the needs of the area or areas concerned and, except in special circumstances, shall be for specific projects.

(c) The Association shall not provide financing if in its opinion such financing is available from private sources on terms which are reasonable for the recipient or could be provided by a loan of the type made by the Bank.

(d) The Association shall not provide financing except upon the recommendation of a competent committee, made after a careful study of the merits of the proposal. Each such committee shall be appointed by the Association and shall include a nominee of the Governor or Governors representing the member or members in whose territories the project under consideration is located and one or more members of the technical staff of the Association. The requirement that the committee include the nominee of a Governor or Governors shall not apply in the case of financing provided to a public international or regional organization.

(e) The Association shall not provide financing for any project if the member in whose territories the project is located objects to such financing, except that it shall not be necessary for the Association to assure itself that individual members do not object in the case of financing provided to a public international or regional organization.

(1) The Association shall impose no conditions on conditions that the proceeds of its business shall be spent in the territories of any particular member or members. The foregoing shall not exclude the Association from complying with any restrictions on the use of funds imposed in accordance with the provisions of these Articles, including restrictions attached to supplementary resources pursuant to agreement between the Association and the contributor.

(2) The Association shall make arrangements to ensure that the proceeds of any financing are used only for the purposes for which the financing was provided, with due attention to maintenance of economic, financial and competitive international trade and without regard to political or other non-economic objectives or considerations.

(3) Funds to be provided under any financing operation shall be made available to the recipient only to such extent in connection with the project as may be actually required.

Section 2. Financial Terms of Financing

(a) Financing by the Association shall take the form of loans. The Association may, however, provide other financial aid.

(b) Loans shall be repaid pursuant to Article III, Section 1, of the Charter. The Association may, however, provide other financial aid. The Association may, however, provide other financial aid.

(c) In special circumstances, but at supplementary resources furnished to the Association and funds derived therefrom for other purposes, or other things, if the arrangements under which such resources are furnished expressly authorize such financing.

(d) Subject to the foregoing paragraphs, the Association may provide financing in such form and on such terms as it may deem appropriate, having regard to the economic position and prospects of the recipient and to the nature and requirements of the project.

(e) The Association may provide financing to a recipient, the recipient or a territory included within the Association's membership, or a political subdivision of any of the foregoing, a public or private enterprise, or to a public utility, or to a public institution or organization.

(f) In the case of a loan to an entity other than a member, the Association may, at its discretion, require a reliable governmental or other guarantor or co-surety.

(g) The Association, in special cases, may make foreign exchange available for local expenditure.

Section 3. Administration of Loans of Financing

The Association may, when and to the extent it deems appropriate, in the light of all relevant circumstances, including the financial and

(f) The Association shall impose no conditions that the proceeds of its financing shall be spent in the territories of any particular member or members. The foregoing shall not preclude the Association from complying with any restrictions on the use of funds imposed in accordance with the provisions of these Articles, including restrictions attached to supplementary resources pursuant to agreement between the Association and the contributor.

(g) The Association shall make arrangements to ensure that the proceeds of any financing are used only for the purposes for which the financing was provided, with due attention to considerations of economy, efficiency and competitive international trade and without regard to political or other non-economic influences or considerations.

(h) Funds to be provided under any financing operation shall be made available to the recipient only to meet expenses in connection with the project as they are actually incurred.

Section 2. Form and Terms of Financing

(a) Financing by the Association shall take the form of loans. The Association may, however, provide other financing, either

(i) out of funds subscribed pursuant to Article III, Section 1, and funds derived therefrom as principal, interest or other charges, if the authorization for such subscriptions expressly provides for such financing;

or

(ii) in special circumstances, out of supplementary resources furnished to the Association, and funds derived therefrom as principal, interest or other charges, if the arrangements under which such resources are furnished expressly authorize such financing.

(b) Subject to the foregoing paragraph, the Association may provide financing in such forms and on such terms as it may deem appropriate, having regard to the economic position and prospects of the area or areas concerned and to the nature and requirements of the project.

(c) The Association may provide financing to a member, the government of a territory included within the Association's membership, a political subdivision of any of the foregoing, a public or private entity in the territories of a member or members, or to a public international or regional organization.

(d) In the case of a loan to an entity other than a member, the Association may, in its discretion, require a suitable governmental or other guarantee or guarantees.

(e) The Association, in special cases, may make foreign exchange available for local expenditures.

Section 3. Modifications of Terms of Financing

The Association may, when and to the extent it deems appropriate in the light of all relevant circumstances, including the financial and

economic situation and prospects of the member concerned, and on such conditions as it may determine, agree to a relaxation or other modification of the terms on which any of its financing shall have been provided.

Section 4. Cooperation with Other International Organizations and Members Providing Development Assistance

The Association shall cooperate with those public international organizations and members which provide financial and technical assistance to the less-developed areas of the world.

Section 5. Miscellaneous Operations

In addition to the operations specified elsewhere in this Agreement, the Association may:

- (i) borrow funds with the approval of the member in whose currency the loan is denominated;
- (ii) guarantee securities in which it has invested in order to facilitate their sale;
- (iii) buy and sell securities it has issued or guaranteed or in which it has invested;
- (iv) in special cases, guarantee loans from other sources for purposes not inconsistent with the provisions of these Articles;
- (v) provide technical assistance and advisory services at the request of a member; and
- (vi) exercise such other powers incidental to its operations as shall be necessary or desirable in furtherance of its purposes.

Section 6. Political Activity Prohibited

The Association and its officers shall not interfere in the political affairs of any member; nor shall they be influenced in their decisions by the political character of the member or members concerned. Only economic considerations shall be relevant to their decisions, and these considerations shall be weighed impartially in order to achieve the purposes stated in this Agreement.

ARTICLE VI.

ORGANIZATION AND MANAGEMENT.

Section 1. Structure of the Association

The Association shall have a Board of Governors, Executive Directors, a President and such other officers and staff to perform such duties as the Association may determine.

Section 2. Board of Governors

(a) All the powers of the Association shall be vested in the Board of Governors.

(b) Each Governor and Alternate Governor of the Bank appointed by a member of the Bank which is also a member of the Association shall *ex officio* be a Governor and Alternate Governor, respectively, of the Association. No Alternate Governor may vote except in the absence of his principal. The Chairman of the Board of Governors of the Bank shall *ex officio* be Chairman of the Board of Governors of the Association except that if the Chairman of the Board of Governors of the Bank shall represent a state which is not a member of the Association, then the Board of Governors shall select one of the Governors as Chairman of the Board of Governors. Any Governor or Alternate Governor shall cease to hold office if the member by which he was appointed shall cease to be a member of the Association.

(c) The Board of Governors may delegate to the Executive Directors authority to exercise any of its powers, except the power to:

- (i) admit new members and determine the conditions of their admission;
- (ii) authorize additional subscriptions and determine the terms and conditions relating thereto;
- (iii) suspend a member;
- (iv) decide appeals from interpretations of this Agreement given by the Executive Directors;
- (v) make arrangements pursuant to Section 7 of this Article to cooperate with other international organizations (other than informal arrangements of a temporary and administrative character);
- (vi) decide to suspend permanently the operations of the Association and to distribute its assets;
- (vii) determine the distribution of the Association's net income pursuant to Section 12 of this Article; and
- (viii) approve proposed amendments to this Agreement.

(d) The Board of Governors shall hold an annual meeting and such other meetings as may be provided for by the Board of Governors or called by the Executive Directors.

(e) The annual meeting of the Board of Governors shall be held in conjunction with the annual meeting of the Board of Governors of the Bank.

(f) A quorum for any meeting of the Board of Governors shall be a majority of the Governors, exercising not less than two-thirds of the total voting power.

(g) The Association may by regulation establish a procedure whereby the Executive Directors may obtain a vote of the Governors on a specific question without calling a meeting of the Board of Governors.

(h) The Board of Governors, and the Executive Directors to the extent authorized, may adopt such rules and regulations as may be necessary or appropriate to conduct the business of the Association.

(i) Governors and Alternate Governors shall serve as such without compensation from the Association.

Section 3. Voting

(a) Each original member shall, in respect of its initial subscription, have 500 votes plus one additional vote for each \$5,000 of its initial subscription. Subscriptions other than initial subscriptions of original members shall carry such voting rights as the Board of Governors shall determine pursuant to the provisions of Article II, Section 1(b) or Article III, Section 1(b) and (c), as the case may be. Additions to resources other than subscriptions under Article II, Section 1(b) and additional subscriptions under Article III, Section 1, shall not carry voting rights.

(b) Except as otherwise specifically provided, all matters before the Association shall be decided by a majority of the votes cast.

Section 4. Executive Directors

(a) The Executive Directors shall be responsible for the conduct of the general operations of the Association, and for this purpose shall exercise all the powers given to them by this Agreement or delegated to them by the Board of Governors.

(b) The Executive Directors of the Association shall be composed *ex officio* of each Executive Director of the Bank who shall have been (i) appointed by a member of the Bank which is also a member of the Association, or (ii) elected in an election in which the votes of at least one member of the Bank which is also a member of the Association shall have counted toward his election. The Alternate to each such Executive Director of the Bank shall *ex officio* be an Alternate Director of the Association. Any Director shall cease to hold office if the member by which he was appointed, or if all the members whose votes counted toward his election, shall cease to be members of the Association.

(c) Each Director who is an appointed Executive Director of the Bank shall be entitled to cast the number of votes which the member by which he was appointed is entitled to cast in the Association. Each Director who is an elected Executive Director of the Bank shall be entitled to cast the number of votes which the member or members of the Association whose votes counted toward his election in the Bank are entitled to cast in the Association. All the votes which a Director is entitled to cast shall be cast as a unit.

(d) An Alternate Director shall have full power to act in the absence of the Director who shall have appointed him. When a Director is present, his Alternate may participate in meetings but shall not vote.

(e) A quorum for any meeting of the Executive Directors shall be a majority of the Directors exercising not less than one-half of the total voting power.

(f) The Executive Directors shall meet as often as the business of the Association may require.

(g) The Board of Governors shall adopt regulations under which a member of the Association not entitled to appoint an Executive Director of the Bank may send a representative to attend any meeting of the Executive Directors of the Association when a request made by, or a matter particularly affecting, that member is under consideration.

Section 5. President and Staff

(a) The President of the Bank shall be *ex officio* President of the Association. The President shall be Chairman of the Executive Directors of the Association but shall have no vote except a deciding vote in case of an equal division. He may participate in meetings of the Board of Governors but shall not vote at such meetings.

(b) The President shall be chief of the operating staff of the Association. Under the direction of the Executive Directors he shall conduct the ordinary business of the Association and under their general control shall be responsible for the organization, appointment and dismissal of the officers and staff. To the extent practicable, officers and staff of the Bank shall be appointed to serve concurrently as officers and staff of the Association.

(c) The President, officers and staff of the Association, in the discharge of their offices, owe their duty entirely to the Association and to no other authority. Each member of the Association shall respect the international character of this duty and shall refrain from all attempts to influence any of them in the discharge of their duties.

(d) In appointing officers and staff the President shall, subject to the paramount importance of securing the highest standards of efficiency and of technical competence, pay due regard to the importance of recruiting personnel on as wide a geographical basis as possible.

Section 6. Relationship to the Bank

(a) The Association shall be an entity separate and distinct from the Bank and the funds of the Association shall be kept separate and apart from those of the Bank. The Association shall not borrow from or lend to the Bank, except that this shall not preclude the Association from investing funds not needed in its financing operations in obligations of the Bank.

(b) The Association may make arrangements with the Bank regarding facilities, personnel and services and arrangements for reimbursement of administrative expenses paid in the first instance by either organization on behalf of the other.

(c) Nothing in this Agreement shall make the Association liable for the acts or obligations of the Bank, or the Bank liable for the acts or obligations of the Association.

Section 7. Relations with Other International Organizations

The Association shall enter into formal arrangements with the United Nations and may enter into such arrangements with other public international organizations having specialized responsibilities in related fields.

Section 8. Location of Offices

The principal office of the Association shall be the principal office of the Bank. The Association may establish other offices in the territories of any member.

Section 9. Depositories

Each member shall designate its central bank as a depository in which the Association may keep holdings of such member's currency or other assets of the Association, or, if it has no central bank, it shall designate for such purpose such other institution as may be acceptable to the Association. In the absence of any different designation, the depository designated for the Bank shall be the depository for the Association.

Section 10. Channel of Communication

Each member shall designate an appropriate authority with which the Association may communicate in connection with any matter arising under this Agreement. In the absence of any different designation, the channel of communication designated for the Bank shall be the channel for the Association.

Section 11. Publication of Reports and Provision of Information

(a) The Association shall publish an annual report containing an audited statement of its accounts and shall circulate to members at appropriate intervals a summary statement of its financial position and of the results of its operations.

(b) The Association may publish such other reports as it deems desirable to carry out its purposes.

(c) Copies of all reports, statements and publications made under this Section shall be distributed to members.

Section 12. Disposition of Net Income

The Board of Governors shall determine from time to time the disposition of the Association's net income, having due regard to provision for reserves and contingencies.

ARTICLE VII

WITHDRAWAL; SUSPENSION OF MEMBERSHIP;
SUSPENSION OF OPERATIONS*Section 1. Withdrawal by Members*

Any member may withdraw from membership in the Association at any time by transmitting a notice in writing to the Association at its principal office. Withdrawal shall become effective upon the date such notice is received.

Section 2. Suspension of Membership

(a) If a member fails to fulfill any of its obligations to the Association, the Association may suspend its membership by decision of a majority of the Governors, exercising a majority of the total voting power. The member so suspended shall automatically cease to be a member one year from the date of its suspension unless a decision is taken by the same majority to restore the member to good standing.

(b) While under suspension, a member shall not be entitled to exercise any rights under this Agreement except the right of withdrawal, but shall remain subject to all obligations.

Section 3. Suspension or Cessation of Membership in the Bank

Any member which is suspended from membership in, or ceases to be a member of, the Bank shall automatically be suspended from membership in, or cease to be a member of, the Association, as the case may be.

Section 4. Rights and Duties of Governments Ceasing to be Members

(a) When a government ceases to be a member, it shall have no rights under this Agreement except as provided in this Section and in Article X (c), but it shall, except as in this Section otherwise provided, remain liable for all financial obligations undertaken by it to the Association, whether as a member, borrower, guarantor or otherwise.

(b) When a government ceases to be a member, the Association and the government shall proceed to a settlement of accounts. As part of such settlement of accounts, the Association and the government may agree on the amounts to be paid to the government on account of its subscription and on the time and currencies of payment. The term "subscription" when used in relation to any member government shall for the purposes of this Article be deemed to include both the initial subscription and any additional subscription of such member government.

(c) If no such agreement is reached within six months from the date when the government ceased to be a member, or such other time as may be agreed upon by the Association and the government, the following provisions shall apply:

- (i) The government shall be relieved of any further liability to the Association on account of its subscription, except

that the government shall pay to the Association forthwith amounts due and unpaid on the date when the government ceased to be a member and which in the opinion of the Association are needed by it to meet its commitments as of that date under its financing operations.

- (ii) The Association shall return to the government funds paid in by the government on account of its subscription or derived therefrom as principal repayments and held by the Association on the date when the government ceased to be a member, except to the extent that in the opinion of the Association such funds will be needed by it to meet its commitments as of that date under its financing operations.
- (iii) The Association shall pay over to the government a *pro rata* share of all principal repayments received by the Association after the date on which the government ceases to be a member on loans contracted prior thereto, except those made out of supplementary resources provided to the Association under arrangements specifying special liquidation rights. Such share shall be such proportion of the total principal amount of such loans as the total amount paid by the government on account of its subscription and not returned to it pursuant to clause (ii) above shall bear to the total amount paid by all members on account of their subscriptions which shall have been used or in the opinion of the Association will be needed by it to meet its commitments under its financing operations as of the date on which the government ceases to be a member. Such payment by the Association shall be made in instalments when and as such principal repayments are received by the Association, but not more frequently than annually. Such instalments shall be paid in the currencies received by the Association except that the Association may in its discretion make payment in the currency of the government concerned.
- (iv) Any amount due to the government on account of its subscription may be withheld so long as that government, or the government of any territory included within its membership, or any political subdivision or any agency of any of the foregoing remains liable, as borrower or guarantor, to the Association, and such amount may, at the option of the Association, be applied against any such liability as it matures.
- (v) In no event shall the government receive under this paragraph (c) an amount exceeding, in the aggregate, the lesser of the two following: (a) the amount paid by the government on account of its subscription, or (b) such proportion of the net assets of the Association, as shown on the books of the Association as of the date on which

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the government ceased to be a member, as the amount of its subscription shall bear to the aggregate amount of the subscriptions of all members.

- (vi) All calculations required hereunder shall be made on such basis as shall be reasonably determined by the Association.

(d) In no event shall any amount due to a government under this Section be paid until six months after the date upon which the government ceases to be a member. If within six months of the date upon which any government ceases to be a member the Association suspends operations under Section 5 of this Article, all rights of such government shall be determined by the provisions of such Section 5 and such government shall be considered a member of the Association for purposes of such Section 5, except that it shall have no voting rights.

Section 5. Suspension of Operations and Settlement of Obligations

(a) The Association may permanently suspend its operations by vote of a majority of the Governors exercising a majority of the total voting power. After such suspension of operations the Association shall forthwith cease all activities, except those incident to the orderly realization, conservation and preservation of its assets and settlement of its obligations. Until final settlement of such obligations and distribution of such assets, the Association shall remain in existence and all mutual rights and obligations of the Association and its members under this Agreement shall continue unimpaired, except that no member shall be suspended or shall withdraw and that no distribution shall be made to members except as in this Section provided.

(b) No distribution shall be made to members on account of their subscriptions until all liabilities to creditors shall have been discharged or provided for and until the Board of Governors, by vote of a majority of the Governors exercising a majority of the total voting power, shall have decided to make such distribution.

(c) Subject to the foregoing, and to any special arrangements for the disposition of supplementary resources agreed upon in connection with the provision of such resources to the Association, the Association shall distribute its assets to members *pro rata* in proportion to amounts paid in by them on account of their subscriptions. Any distribution pursuant to the foregoing provision of this paragraph (c) shall be subject, in the case of any member, to prior settlement of all outstanding claims by the Association against such member. Such distribution shall be made at such times, in such currencies, and in cash or other assets as the Association shall deem fair and equitable. Distribution to the several members need not be uniform in respect of the type of assets distributed or of the currencies in which they are expressed.

(d) Any member receiving assets distributed by the Association pursuant to this Section or Section 4 shall enjoy the same rights with respect to such assets as the Association enjoyed prior to their distribution.

ARTICLE VIII.

STATUS, IMMUNITIES AND PRIVILEGES.

Section 1. Purposes of Article

To enable the Association to fulfill the functions with which it is entrusted, the status, immunities and privileges provided in this Article shall be accorded to the Association in the territories of each member.

Section 2. Status of the Association

The Association shall possess full juridical personality and, in particular, the capacity:

- (i) to contract;
- (ii) to acquire and dispose of immovable and movable property;
- (iii) to institute legal proceedings.

Section 3. Position of the Association with Regard to Judicial Process

Actions may be brought against the Association only in a court of competent jurisdiction in the territories of a member in which the Association has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities. No actions shall, however, be brought by members or persons acting for or deriving claims from members. The property and assets of the Association shall, wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Association.

Section 4. Immunity of Assets from Seizure

Property and assets of the Association, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

Section 5. Immunity of Archives

The archives of the Association shall be inviolable.

Section 6. Freedom of Assets from Restrictions

To the extent necessary to carry out the operations provided for in this Agreement and subject to the provisions of this Agreement, all property and assets of the Association shall be free from restrictions, regulations, controls and moratoria of any nature.

Section 7. Privilege for Communications

The official communications of the Association shall be accorded by each member the same treatment that it accords to the official communications of other members.

Section 8. Immunities and Privileges of Officers and Employees

All Governors, Executive Directors, Alternates, officers and employees of the Association

- (i) shall be immune from legal process with respect to acts performed by them in their official capacity except when the Association waives this immunity;
- (ii) not being local nationals, shall be accorded the same immunities from immigration restrictions, alien registration requirements and national service obligations and the same facilities as regards exchange restrictions as are accorded by members to the representatives, officials, and employees of comparable rank of other members;
- (iii) shall be granted the same treatment in respect of traveling facilities as is accorded by members to representatives, officials and employees of comparable rank of other members.

Section 9. Immunities from Taxation

(a) The Association, its assets, property, income and its operations and transactions authorized by this Agreement, shall be immune from all taxation and from all customs duties. The Association shall also be immune from liability for the collection or payment of any tax or duty.

(b) No tax shall be levied on or in respect of salaries and emoluments paid by the Association to Executive Directors, Alternates, officials or employees of the Association who are not local citizens, local subjects, or other local nationals.

(c) No taxation of any kind shall be levied on any obligation or security issued by the Association (including any dividend or interest thereon) by whomsoever held

- (i) which discriminates against such obligation or security solely because it is issued by the Association; or
- (ii) if the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Association.

(d) No taxation of any kind shall be levied on any obligation or security guaranteed by the Association (including any dividend or interest thereon) by whomsoever held

- (i) which discriminates against such obligation or security solely because it is guaranteed by the Association; or
- (ii) if the sole jurisdictional basis for such taxation is the location of any office or place of business maintained by the Association.

Section 10. Application of Article

Each member shall take such action as is necessary in its own territories for the purpose of making effective in terms of its own law the principles set forth in this Article and shall inform the Association of the detailed action which it has taken.

ARTICLE IX.

AMENDMENTS.

(a) Any proposal to introduce modifications in this Agreement, whether emanating from a member, a Governor or the Executive Directors, shall be communicated to the Chairman of the Board of Governors who shall bring the proposal before the Board. If the proposed amendment is approved by the Board, the Association shall, by circular letter or telegram, ask all members whether they accept the proposed amendment. When three-fifths of the members, having four-fifths of the total voting power, have accepted the proposed amendments, the Association shall certify the fact by formal communication addressed to all members.

(b) Notwithstanding (a) above, acceptance by all members is required in the case of any amendment modifying

- (i) the right to withdraw from the Association provided in Article VII, Section 1;
- (ii) the right secured by Article III, Section 1 (c);
- (iii) the limitation on liability provided in Article II, Section 3.

(c) Amendments shall enter into force for all members three months after the date of the formal communication unless a shorter period is specified in the circular letter or telegram.

ARTICLE X.

INTERPRETATION AND ARBITRATION.

(a) Any question of interpretation of the provisions of this Agreement arising between any member and the Association or between any members of the Association shall be submitted to the Executive Directors for their decision. If the question particularly affects any member of the Association not entitled to appoint an Executive Director of the Bank, it shall be entitled to representation in accordance with Article VI, Section 4 (g).

(b) In any case where the Executive Directors have given a decision under (a) above, any member may require that the question be referred to the Board of Governors, whose decision shall be final. Pending the result of the reference to the Board of Governors, the Association may, so far as it deems necessary, act on the basis of the decision of the Executive Directors.

(c) Whenever a disagreement arises between the Association and a country which has ceased to be a member, or between the Association and any member during the permanent suspension of the Association, such disagreement shall be submitted to arbitration by a tribunal of three arbitrators, one appointed by the Association, another by the country involved and an umpire who, unless the parties otherwise agree, shall be appointed by the President of the International Court of Justice or such other authority as may have been prescribed by regulation adopted by the Association. The umpire shall have full power to settle all questions of procedure in any case where the parties are in disagreement with respect thereto.

ARTICLE XI.

FINAL PROVISIONS.

Section 1. Entry into Force

This Agreement shall enter into force when it has been signed on behalf of governments whose subscriptions comprise not less than sixty-five percent of the total subscriptions set forth in Schedule A and when the instruments referred to in Section 2 (a) of this Article have been deposited on their behalf, but in no event shall this Agreement enter into force before September 15, 1960.

Section 2. Signature

(a) Each government on whose behalf this Agreement is signed shall deposit with the Bank an instrument setting forth that it has accepted this Agreement in accordance with its law and has taken all steps necessary to enable it to carry out all of its obligations under this Agreement.

(b) Each government shall become a member of the Association as from the date of the deposit on its behalf of the instrument referred to in paragraph (a) above except that no government shall become a member before this Agreement enters into force under Section 1 of this Article.

(c) This Agreement shall remain open for signature until the close of business on December 31, 1960, at the principal office of the Bank, on behalf of the governments of the states whose names are set forth in Schedule A, provided that, if this Agreement shall not have entered into force by that date, the Executive Directors of the Bank may extend the period during which this Agreement shall remain open for signature by not more than six months.

(d) After this Agreement shall have entered into force, it shall be open for signature on behalf of the government of any state whose membership shall have been approved pursuant to Article II, Section 1 (b).

Section 3. Territorial Application

By its signature of this Agreement, each government accepts it both on its own behalf and in respect of all territories for whose international relations such government is responsible except those which are excluded by such government by written notice to the Association.

Section 4. Inauguration of the Association

(a) As soon as this Agreement enters into force under Section 1 of this Article the President shall call a meeting of the Executive Directors.

(b) The Association shall begin operations on the date when such meeting is held.

(c) Pending the first meeting of the Board of Governors, the Executive Directors may exercise all the powers of the Board of Governors except those reserved to the Board of Governors under this Agreement.

Section 5. Registration

The Bank is authorized to register this Agreement with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations and the Regulations thereunder adopted by the General Assembly.

DONE at Washington, in a single copy which shall remain deposited in the archives of the International Bank for Reconstruction and Development, which has indicated by its signature below its agreement to act as depository of this Agreement, to register this Agreement with the Secretariat of the United Nations and to notify all governments whose names are set forth in Schedule A of the date when this Agreement shall have entered into force under Article XI, Section 1 hereof.

SCHEDULE A—INITIAL SUBSCRIPTIONS

(US \$ Millions)*

PART I.

Australia.....	20.18	Japan.....	33.59
Austria.....	5.04	Luxembourg.....	1.01
Belgium.....	22.70	Netherlands.....	27.74
Canada.....	37.83	Norway.....	6.72
Denmark.....	8.74	Sweden.....	10.09
Finland.....	3.83	Union of South Africa.	10.09
France.....	52.96	United Kingdom.....	131.14
Germany.....	52.96	United States.....	320.29
Italy.....	18.16		
			763.07

PART II.

Afghanistan.....	1.01	Israel.....	1.68
Argentina.....	18.83	Jordan.....	0.30
Bolivia.....	1.06	Korea.....	1.26
Brazil.....	18.83	Lebanon.....	0.45
Burma.....	2.02	Libya.....	1.01
Ceylon.....	3.03	Malaya.....	2.52
Chile.....	3.53	Mexico.....	8.74
China.....	30.26	Morocco.....	3.53
Colombia.....	3.53	Nicaragua.....	0.30
Costa Rica.....	0.20	Pakistan.....	10.09
Cuba.....	4.71	Panama.....	0.02
Dominican Republic..	0.40	Paraguay.....	0.30
Ecuador.....	0.65	Peru.....	1.77
El Salvador.....	0.30	Philippines.....	5.04
Ethiopia.....	0.50	Saudi Arabia.....	3.70
Ghana.....	2.36	Spain.....	10.09
Greece.....	2.52	Sudan.....	1.01
Guatemala.....	0.40	Thailand.....	3.03
Haiti.....	0.76	Tunisia.....	1.51
Honduras.....	0.30	Turkey.....	5.80
Iceland.....	0.10	United Arab Republic.	6.03
India.....	40.35	Uruguay.....	1.06
Indonesia.....	11.10	Venezuela.....	7.06
Iran.....	4.54	Viet-Nam.....	1.51
Iraq.....	0.76	Yugoslavia.....	4.04
Ireland.....	3.03		
			236.93

TOTAL

1000.00

* In terms of United States dollars of the weight and fineness in effect on January 1, 1960.

Third Session, Twenty-Fourth Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-71.

An Act to amend the War Veterans Allowance Act, 1952.

First reading, June 7, 1960.

THE MINISTER OF VETERANS AFFAIRS.

THE HOUSE OF COMMONS OF CANADA.

BILL C-71.

An Act to amend the War Veterans Allowance Act, 1952.

R.S., c. 340;
1955, c. 13;
1957-58, c. 7.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Section 3 of the *War Veterans Allowance Act, 1952*, is amended by adding thereto the following subsection:

Payment where recipient absent from Canada.

“(3) Notwithstanding subsection (1), the allowance payable under this section to a veteran, widow or orphan may be paid to that veteran, widow or orphan who absents himself from Canada after the coming into force of this Act if, on the day that he leaves Canada, he
(a) is a recipient of an allowance under this section; and
(b) had been resident in Canada for the twelve months immediately preceding that day.”

1957-58, c. 7,
s. 5.

Absence from Canada.

2. Subsection (1) of section 14 of the said Act is repealed and the following substituted therefor:

“**14.** (1) Where a recipient of an allowance under section 3 absents himself from Canada, payment of his allowance shall, subject to subsection (3) of that section, be suspended immediately following the payment for the month in which he so absents himself, but may be resumed when the recipient returns to Canada.”

3. All that portion of paragraph (b) of subsection (4) of section 30 of the said Act that precedes subparagraph (i) thereof is repealed and the following substituted therefor:

“(b) any former member of His Majesty’s forces, or of any of the forces of any of His Majesty’s allies or powers associated with His Majesty in any war concluded or terminated on or before the 15th day of August, 1945, who served during any such war, and has resided in Canada for a total period of at least ten years, and”

EXPLANATORY NOTES.

Clause 1. Section 3 of the *War Veterans Allowance Act, 1952*, provides that the allowance payable to a veteran, widow or orphan described therein is payable only while that veteran, widow or orphan is resident in Canada. The purpose of this amendment is to provide that the allowance may be paid to that veteran, widow or orphan who leaves Canada following the passing of this amendment if, on the day that he leaves Canada, he is already a recipient of an allowance under section 3 and has been resident in Canada for the twelve months immediately preceding that day.

Clause 2. The present subsection (1) of section 14 as enacted by 1957-58, chapter 7, reads as follows:

"14. (1) Where a recipient of an allowance absents himself from Canada, payment of his allowance shall be suspended immediately following the payment for the month in which he so absents himself, but may be resumed when the recipient returns; and where the recipient returns to Canada within six months from the last day of the first month in which he so absented himself from Canada, the allowance, upon being resumed, may also be paid for the period during which he so absented himself, but not exceeding a total of six months in any calendar year."

The purpose of this amendment is to suspend the allowance payable under section 3 to a veteran, widow or orphan who leaves Canada and who has not resided in Canada for the twelve months immediately preceding the day of his departure. The allowance payable to that recipient will be resumed when that recipient returns to Canada.

Clause 3. Paragraph (b) of subsection (4) of section 30 presently reads as follows:

"(4) An Allied veteran is. . . .

(b) any former member of His Majesty's forces, or of any of the forces of any of His Majesty's allies or powers associated with His Majesty in any war concluded on or before the *31st day of August, 1921*, who served during any such war, and has resided in Canada for a total period of at least ten years, and

(i) served in a theatre of actual war,

(ii) is in receipt of a pension for an injury or disease incurred or aggravated during his service in any such force during such war, or

(iii) has accepted a commuted pension."

As the Act now stands Imperial and Allied veterans with ten years' residence in Canada are eligible for war veterans allowance where the qualifying service was in any war concluded on or before August 31st, 1921. The purpose of this amendment is to establish a corresponding residence qualification for Imperial and Allied veterans who served during World War II.

Transitional.

4. Where, on the coming into force of this Act, the allowance payable to a veteran, widow or orphan under the *War Veterans Allowance Act, 1952*, is under suspension because that veteran, widow or orphan is absent from Canada, the allowance so payable may be resumed

- (a) if that veteran, widow or orphan returns to Canada within six months from the last day of the first month in which he absented himself from Canada; or
 - (b) as of the first day of the month in which this Act comes into force if that veteran, widow or orphan has been absent from Canada for not longer than six months from the last day of the first month in which he so absented himself and on the day on which he left Canada he had been resident in Canada for the twelve months immediately preceding that day
- and the allowance, upon being resumed, may also be paid for the period during which he so absented himself from Canada.

5. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

Clause 4. This section is intended to preserve and protect the rights of a recipient of war veterans allowance under section 3 who is absent from Canada on the date the amending legislation comes into force by providing for the resumption of the allowance payable to him and also payment to him for the period of his absence

- (a) from the day the allowance was suspended if he returns to Canada within six months from that day; or
- (b) if he wishes to remain outside Canada from the first day of the month in which the amending legislation comes into force, if on the day the allowance was suspended he had resided in Canada for the twelve months immediately preceding that day and he has been absent from Canada for not longer than six months from that day.

Third Session, Twenty-Fourth Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-72.

An Act respecting the Construction by the Canadian National Railway Company of certain railway terminal facilities at and in the vicinity of the City of Toronto.

First reading, 7th June, 1960.

MINISTER OF TRANSPORT.

3rd Session, 24th Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-72.

An Act respecting the Construction by the Canadian National Railway Company of certain railway terminal facilities at and in the vicinity of the City of Toronto.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short title.

1. This Act may be cited as the *Canadian National Toronto Terminals Act*.

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Construction of Toronto Project.

2. The Governor in Council may provide for the construction and completion, in whole or in part, by Canadian National Railway Company (in this Act called "the Company"), of buildings, structures, tracks, sidings, connections, yards, improvements, equipment and appliances for the movement and handling of every kind of traffic at and in the vicinity of the City of Toronto, including an automatic electronic hump yard in the Township of Vaughan, County of York, Province of Ontario, for the accommodation and classification of freight cars and access railway lines and other works incidental thereto, as shown generally on the plan or plans from time to time approved by the Governor in Council; the whole in this Act called "the Toronto Project" and a short description whereof, not intended to be exhaustive, is set out in the Schedule.

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Competitive bids or tenders.

3. The Company shall adopt the principle of competitive bids or tenders in respect of the construction of the Toronto Project in so far as the Company decides not to perform such work or any part thereof with its own forces, but the Company is not bound to accept the lowest or any bid or tender made or obtained nor precluded from negotiating for better prices or terms.

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4. An estimate of the amount to be expended on the construction of the Toronto Project is set out in the Schedule, and except with the approval of the Governor in Council, the Company shall not in performing the work of construction and completion exceed such estimate by more than fifteen per cent.

5. Subject to the provisions of the Act and the approval of the Governor in Council, the Company may, in respect of the cost of construction and completion of the Toronto Project or to provide amounts required for the repayment of loans made under section 6, issue notes, obligations, bonds, debentures or other securities (in this Act called "securities") not exceeding in aggregate amount, exclusive of any amount already issued under section 6, the

EXPLANATORY NOTE

The purpose of this Bill is to authorize Canadian National Railway Company to construct certain railway terminal facilities at and in the vicinity of the City of Toronto and to authorize the guarantee by Her Majesty in right of Canada of the principal of and interest on any securities issued by the Company to finance this construction.

The facilities that the Company proposes to construct consist principally of an automatic electronic hump freight yard in Vaughan Township and two access lines thereto, one from the east at a point near Pickering and one from the west on the Oakville Subdivision of the Canadian National Railways. They also include a diesel shop, car repair and cleaning facilities and other related facilities. The estimated cost of construction is \$87,000,000.

6. (1) The Governor in Council may authorize the guarantee by Her Majesty in right of Canada of the principal and interest of the securities that the Company may issue under the provisions of this Act.

(2) The guarantee may be in such form and subject to such terms and conditions as the Governor in Council may determine to be appropriate and applicable thereto and may be signed on behalf of Her Majesty by the Minister of Finance or such other person as the Governor in Council may designate, and such signature is conclusive evidence for all purposes of the validity of the guarantee and that the provisions of this Act have been complied with.

(3) Any guarantee under this Act may be either a general guarantee covering the total amount of the issue or a separate guarantee endorsed on each obligation.

(4) With the approval of the Governor in Council, any guarantee may be made to be subsequently replaced by subsequent guarantee.

Maximum
expenditure.

4. An estimate of the amount to be expended on the construction of the Toronto Project is set out in the Schedule, and, except with the approval of the Governor in Council, the Company shall not in performing the work of construction and completion exceed such estimate by 5 more than fifteen per cent.

Issue of
securities.

5. Subject to the provisions of this Act and the approval of the Governor in Council, the Company may, in respect of the cost of construction and completion of the Toronto Project or to provide amounts required for the repayment 10 of loans made under section 6, issue notes, obligations, bonds, debentures or other securities (in this Act called "securities") not exceeding in the aggregate, exclusive of any securities issued to secure loans made under section 6, the sum of one hundred million dollars, bearing such rates 15 of interest and subject to such other terms and conditions as the Governor in Council may approve.

Temporary
loans.

6. To enable the work of construction and completion of the Toronto Project to proceed forthwith, the Minister of Finance, upon application made to him by the Company 20 and approved by the Minister of Transport, may, with the approval of the Governor in Council, make temporary loans to the Company out of the Consolidated Revenue Fund, not exceeding one hundred million dollars, repayable on such terms and at such rates of interest as the Governor in 25 Council may determine and secured by securities that the Company is authorized to issue under section 5.

Guarantees.

7. (1) The Governor in Council may authorize the guarantee by Her Majesty in right of Canada of the principal and interest of the securities that the Company may issue 30 under the provisions of this Act.

Form and
terms.

(2) The guarantee may be in such form and subject to such terms and conditions as the Governor in Council may determine to be appropriate and applicable thereto and may be signed on behalf of Her Majesty by the Minister of 35 Finance or such other person as the Governor in Council may designate, and such signature is conclusive evidence for all purposes of the validity of the guarantee and that the provisions of this Act have been complied with.

General or
separate
guarantees.

(3) Any guarantee under this Act may be either a general 40 guarantee covering the total amount of the issue or a separate guarantee endorsed on each obligation.

Temporary
guarantees.

(4) With the approval of the Governor in Council, temporary guarantees may be made to be subsequently replaced 45 by permanent guarantees.

Deposit of
proceeds of
sale, etc., of
securities.

8. (1) The proceeds of any sale, pledge, or other disposition of any guaranteed securities shall in the first instance be paid into the Consolidated Revenue Fund or shall be deposited to the credit of the Minister of Finance in trust for the Company, in one or more banks designated by him. 5

Release of
proceeds.

(2) The Board of Directors of the Company may authorize applications to be made to the Minister of Transport for the release of any part of the proceeds deposited pursuant to subsection (1) to the Company for the purpose of meeting expenditures in respect of the construction of the Toronto Project, and the Minister of Transport may approve the applications, and upon the request of the Minister of Transport, the Minister of Finance may pay the amount or amounts of such applications or part thereof accordingly. 10

Approval of
plans.

9. The general plan or plans of the Toronto Project and amendments or additions made to such plan or plans at any time shall, on the recommendation of the Minister of Transport, be subject to the approval of the Governor in Council. 15

Report to
Parliament.

10. The Minister of Transport shall present to Parliament during the first thirty days of each session held prior to the completion of the Toronto Project and of the first session thereafter a statement showing in detail the nature and extent of the work done under the authority of this Act during the previous calendar year and the expenditure thereon, the estimated expenditure for the current calendar year, the amount of any advances made under section 6 and the amount of such advances reimbursed, and such further information as the Minister of Transport may direct. 25 30

SCHEDULE.

1. An automatic electronic hump freight yard and related facilities, generally covering the area consisting of the east half of lots 2 to 14 inclusive of Concession IV of the Township of Vaughan, County of York, with pull-back tracks across lots 15 and 16 of said Concession IV over a distance of about one and a half miles.

2. An access line from the East, commencing at a point near the Town of Pickering, Mile 313 of the Oshawa Subdivision, proceeding westerly through the Township of Pickering, County of Ontario, thence northwesterly through the Township of Scarborough, County of York, thence westerly through the Townships of Markham and Vaughan, County of York, and terminating at a point at the lower end of the proposed yard.

3. An access line from the West, commencing at a point on the Oakville Subdivision of the Company (using, upgrading or rehabilitating the existing lines and facilities or otherwise), proceeding in a general northeasterly direction and terminating at a point at the lower end of the proposed yard.

4. Diesel engine shop in the vicinity of the proposed yard.

5. Piggyback, freight shed, team-track, car repair and cleaning, and customs facilities, storage facilities for railway materials, and icing facilities for refrigerator cars.

6. Grade separation at highway and railway crossings on the existing and proposed railway lines.

7. Terminal and local stations, and signalling and electric facilities on present and proposed railways.

8. Re-allocation of functions of existing yards, tracks and stations in the Toronto area.

The estimated cost of the Toronto Project is eighty-seven million dollars (\$87,000,000.00).

C-73.

Third Session, Twenty-Fourth Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-73.

An Act to amend the Excise Tax Act.

First reading, June 8, 1960.

THE MINISTER OF FINANCE.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

23111-8

3rd Session, 24th Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-73.

An Act to amend the Excise Tax Act.

R.S., cc.100,
320;
1952-53, c.35;
1953-54, c.56;
1955, c.53;
1956, c.37;
1957, c.26;
1957-58, c.14;
1958, c.30;
1959, c.23.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Subsection (4) of section 35 of the *Excise Tax Act* is repealed and the following substituted therefor: 5

Bond.

“(4) The security shall be by a chartered bank or by bond of an incorporated guarantee company authorized to do business in Canada, acceptable to the Minister, or by deposit of bonds or other securities of or guaranteed by the Government of Canada.” 10

Schedule III amended.

2. Schedule III to the said Act is repealed and the Schedule to this Act is substituted therefor.

Commence-
ment.

3. Section 2 of this Act and the Schedule to this Act shall be deemed to have come into force on the 1st day of April, 1960, and to have applied to all goods mentioned therein imported or taken out of warehouse for consumption on or after that day and to have applied to goods previously imported for which no entry for consumption was made before that day. 15

SCHEDULE.

SCHEDULE III.

BUILDING MATERIALS.

Ash handling and fuel handling equipment for use with furnaces for the heating of buildings, when connected directly to such furnaces and installed in the same building as such furnaces;

Bricks, building tile, building blocks curved or shaped and building stone;

Cast iron soil pipe and cast iron fittings therefor;

Chimneys for buildings, not including fireplaces; chimney caps;

Circulating pumps for use in forced hot water heating systems for the heating of buildings;

Door and window screens;

Drainage, waste and vent copper tubing from two inches to six inches in diameter, with a wall thickness from .040 to .083 of an inch, for non-pressure applications, and fittings therefor;

Ducts for warm air systems for heating buildings, but not including materials used in their manufacture;

Electric heating equipment, designed for use on a system using 200 volts or greater, for permanent installation as part of an electric heating system for buildings, but not including electric wiring or other materials leading to or connecting such equipment to the electric power supply;

Floor tile, hard surface composition yardage flooring for permanent bonding to floors and underlay therefor;

Fuel oil tanks for use with furnaces for the heating of buildings and connected directly to such furnaces;

Furnaces, stokers, oil or gas burners, hot water and steam radiators not including fittings, for the heating of buildings;

Glass for buildings;

Hard surface plastic laminated building materials;

Locks, not including padlocks; latch sets, lock sets, and parts thereof; hinges, not including checking floor hinges;

Lumber; sash; doors; shingles; lath; siding; stairways; cornice, frieze, pilasters and other units or members of wood milled for use as structural or architectural building components, not including assembled or unassembled cabinets, counters, cupboards, furniture, ironing boards, work benches and similar installations;

Material for waterproofing and moisture-proofing buildings;

Materials to be incorporated in terrazzo flooring;

Paints, varnishes, white lead and paint oil;

Plaster; lime; cement and additives for concrete;

Plaster boards, fibreboard, wall panels, building paper, wallpaper and materials, manufactured wholly or in part of vegetable or mineral substances, for ceilings, walls, building insulation or acoustical purposes;

Prepared roofings;

Septic tanks and grease traps therefor;

Shower baths, bath tubs, basins, faucets, closets, lavatories, urinals, sinks and rims therefor and laundry tubs, not including repair parts therefor, nor pipes and pipe fittings;

Skylights;

Structural steel for buildings;

Tar and asphalt for roofing;

Ventilators and louvres, not motor operated;

Articles and materials to be used exclusively in the manufacture or production of the foregoing building materials, except hardware for doors and sash;

CHARITABLE, HEALTH, ETC.

Adrenocorticotrophin (ACTH); Cortisone; Insulin; Radium;

Articles and materials for the sole use of any *bona fide* public hospital certified to be such by the Department of National Health and Welfare, when purchased in good faith for use exclusively by the said hospital and not for resale;

Artificial eyes;

Donations of clothing and books for charitable purposes;

Hearing aids and parts therefor, including batteries specifically designed for use with such hearing aids;

Laryngeal speaking aids and parts therefor, including batteries specifically designed for use therewith;

Liver extract for use exclusively in the treatment of anaemia;

Memorials or monuments erected in memory of members of the Armed Forces who lost their lives in the service of their country;

Prepared surgical sutures;

Vaccine for use in the prevention of poliomyelitis, and material for use exclusively in the manufacture thereof;

War Veterans' badges;

COVERINGS.

Usual coverings or usual containers to be used exclusively for covering or containing goods not subject to the consumption or sales tax but not including coverings or containers designed for dispensing goods for sale or designed for repeated use other than

- (a) barrels, boxes, baskets, crates and bags for packaging fruits and vegetables,

- (b) boxes and crates for eggs,
 - (c) butter and cheese boxes,
 - (d) cans and insulated bags for ice cream,
 - (e) corrugated paper boxes for bread,
 - (f) flour bags,
 - (g) milk and cream bottles, milk and cream cans; and
- materials to be used exclusively in the manufacture of the foregoing coverings and containers not subject to consumption or sales tax;

DIPLOMATIC.

Articles for the use of the Governor General;

Articles imported for the personal or official use of the Heads of Diplomatic Missions, High Commissioners representing other of Her Majesty's Governments, Counsellors, Secretaries and Attaches at Embassies, Legations and offices of High Commissioners in Canada, Trade Commissioners and Assistant Trade Commissioners representing other of Her Majesty's Governments, Consuls General, Consuls and Vice-Consuls of Foreign Nations, who are natives or citizens of the countries they represent and are not engaged in any other business or profession;

Automobiles, cigars, cigarettes, manufactured tobacco, ale, beer, stout, wines and spirits purchased in Canada by any of the foregoing;

ENGINES.

Internal combustion traction engines, and portable engines with boilers in combination, for farm purposes, or for use exclusively in the operation of logging, such operation to include the removal of the log from stump to skid-way, log dump or common or other carrier, and accessories (not including machines and tools for operation by such engines) and complete parts of all the foregoing, and articles and materials, not including plant equipment, to be used or consumed exclusively in the manufacture of the foregoing engines, boilers or parts thereof;

FARM AND FOREST.

Bees; Casein; Fertilizer; Hay; Hops; Shorts; Straw;

Alfalfa meal;

Animals, living;

Baling twine or baling wire for baling farm produce, and articles and materials to be used or consumed exclusively in process of manufacture thereof;

Beet pulp, dried;

Boxes for farm wagons, and articles and materials to be used exclusively in the manufacture thereof;

Creosote oil and other wood preservatives when for use exclusively in the treatment of timber, poles or lumber;

Cut flowers;

Drain tiles for agricultural purposes;

Farm produce sold by the individual farmer of his own production;

Feeds for poultry, cattle and other stock, and for fur-bearing animals whose pelts have commercial value, supplements for addition to such feeds, and materials to be used exclusively in the manufacture of such feeds or supplements;

Forest products when produced and sold by the individual settler or farmer;

Friction disc sharpeners;

Furs, raw;

Grain or seed cleaning machines and complete parts therefor, including materials to be used exclusively in the manufacture of such machines and parts;

Grains and seeds in their natural state;

Harness for horses and complete parts therefor, and articles and materials to be used exclusively in the manufacture thereof; harness leather;

Hides, raw and salted;

Individual tree guards and tree protectors not exceeding thirty-six inches in height;

Logs and round unmanufactured timber;

Nursery stock;

Oil cake, oil cake meal;

Peat moss when used for agricultural purposes, including poultry litter;

Potted, flowering or bedding plants; dormant flower bulbs, corms, roots and tubers; cut foliage;

Poultry, living;

Preparations, chemicals or poisons for pest control purposes in agriculture or horticulture, and materials for use exclusively in the manufacture thereof;

Rodent poisons, and materials for use exclusively in their manufacture;

Sap spouts and sap buckets, evaporators and complete parts therefor, when for use exclusively for the production of maple syrup;

Sawdust and wood shavings;

Settlers' effects;

Steel pens and complete parts thereof for farm animals, and articles and materials for use exclusively in the manufacture thereof;

Vegetable plants;

Vermiculite and perlite;

Wool not further prepared than washed;

Woollen rolls or wool yarn milled for a producer of wool from wool supplied by him for his own use;

FIRE BRICK, REFRACTORIES, ETC.

Fire brick, plastic refractories, high temperature cement, fire clay and other refractory materials and materials to be used or consumed exclusively in the manufacture of such fire brick or refractory materials;

FOODSTUFFS.

Baking Powder; Baking Soda; Cream of tartar;

Barley; Bread; Butter; Cheese; Cream; Eggs, Egg albumen and Egg yolks; Glucose; Honey; Ice· Lactose; Lard; Rice; Salt; Shortening; Soups; Split Peas; Sugar; Yeast; Yogurt;

Bakers' cakes and pies including biscuits, cookies or other similar articles;

Bases or concentrates for making food beverages but not including bases or concentrates for making soft drinks or alcoholic beverages;

Cereal breakfast foods not including beverages;

Cocoa;

Cocoanut;

Cooking oil and salad oils, mayonnaise and salad dressings;

Dessert powders;

Drinks prepared from milk or eggs;

Edible gelatine;

Fish and edible products thereof;

Flour including pastry, cake, biscuit, and similar mixes;

Food flavouring extracts, emulsions and powders, not including those for beverages;

Foods prepared and sold exclusively for feeding infants;

Fruit, fresh, canned, frozen, preserved, dried or evaporated;

Grain grits and meals;

Gravies and meat extracts;

Ice cream;

Jams, jellies, marmalades, and preserves;

Malt syrup, except when sold for beverage purposes;

Maple syrup; corn syrup; table syrups; molasses;

Meats and poultry, fresh, cooked, canned, frozen, smoked or dried;

Meat tenderizers;

Milk, including buttermilk, condensed milk, evaporated milk, and powdered milk;

Peanut butter;

Pickles, relishes, catsups, sauces, olives, horseradish, mustard, and similar goods;

Pie fillings;

Prepared whipping cream;

Prune juice; grape juice;

Sandwich spreads;

Spaghetti, macaroni and vermicelli;

Spices, condiments and seasonings;

Tea, coffee and substitutes therefor;

Vegetable juices; fruit juices consisting of at least eighty-five per cent of the pure juice of the fruit and concentrates thereof;

Vegetables, fresh, canned, frozen or dehydrated;

Vinegar;

Materials to be used exclusively in the manufacture or production of the foregoing foodstuffs;

GOODS ENUMERATED IN CUSTOMS TARIFF ITEMS.

173, 209b, 352a, 364, 399a, 399b, 399c, 406, 409, 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409h, 409i, and complete parts thereof, 409j, 409k, 409q, 409t, 409u, 409v, 411a, 417, 431h, 436, 437, 439c, 440k, 460, 476, 476a, 476b, 478, 480, 480a, 663b, 666, 667, 682, 682a, 690a, 692, 692a, 692b, 693, 695a, 695b, 695c, 695d, 696, 696a, 697, 698, 699, 700, 701, 702, 704, 708, 708b, 786, 848, 848a, 848b;

Articles and materials that enter into the cost of manufacture of the goods enumerated in tariff items 409, 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409j, 409k, 409o and 439c, when imported by manufacturers for use exclusively in the manufacture in their own factories of the goods enumerated in the foregoing tariff items, under regulations prescribed by the Minister;

Articles and materials to be used exclusively in the manufacture of goods enumerated in *Customs Tariff* items 173, 406, 409, 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409h, 409i, 409j, 409k, 409q, 409t, 409u, 409v, 410b, 411, 411a, 411b, 431h, 439c, 440k, 476, 476a, 480, 480a, 663, 663a, 663b, 666, 667, 696, 848, 848a;

Materials, not including plant equipment consumed in process of manufacture or production, that enter directly into the cost of goods enumerated in *Customs Tariff* items 406, 409, 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409h, 409i, 409j, 409k, 409q, 410b, 411, 411a, 411b, 439c, 440k, 476, 476a, 480, 480a, 663, 663a, 666, 667, 696;

MACHINERY AND APPARATUS TO BE USED IN
MANUFACTURE OR PRODUCTION.

Machinery and apparatus that, in the opinion of the Minister, are to be used directly in the process of manufacture or production of goods, and the following machinery or apparatus:

Coal crushers and stokers;

Structures that are adjuncts to or provide access to the machinery and apparatus mentioned herein;

Repair and maintenance equipment used by manufacturers or producers for servicing their machinery and apparatus mentioned herein;

Safety devices and equipment for the prevention of accidents in the manufacturing or production of goods;

Systems installed by manufacturers or producers for exhausting dust and noxious fumes from their manufacturing operations;

Equipment used to carry refuse or waste from production machinery;

Equipment for hospitals and first aid stations in manufacturing establishments;

Gasoline-powered and diesel-powered self-propelled trucks mounted on rubber-tired wheels for off-highway use exclusively at mines and quarries;

Complete parts of all the foregoing;

This exemption does not apply to office equipment or motor vehicles, except those mentioned above;

MARINE AND FISHERIES.

Boats *bona fide* purchased by fishermen for use in the fisheries, and articles and materials to be used exclusively in the manufacture, equipment or repair of such boats;

Carrageen or Irish Moss;

Cotton duck and cotton sail twine to be used only in the manufacture of equipment for ships or vessels;

Rope and cordage of cotton, hemp, manila or other vegetable fibre, or nylon, for the fisheries, not including these articles for sportsmen's purposes, and materials for use only in the manufacture thereof;

Preservatives for use exclusively for treating fishing nets, ropes and lines;

Materials for use only in the equipment and repair of ships over ten tons net register tonnage;

Materials used as ingredients in canned fish;

Ships licensed to engage in the Canadian coasting trade;

Sinkers, and floats including trawl kegs, when for use exclusively in the fisheries, not including these articles for sportsmen's purposes;

Articles and Provisions

Crushed stone or crushed gravel
Gold and silver in ingots, bars, sheets or plates
measured;
Gross weight;
Gold, silver, nickel, and lead stone

Articles and Provisions

Articles and provisions purchased or imported by a government of a country designated by the Government of Canada under various laws from 1911 to 1914, and included in a Canadian government agency on behalf of such a government, in the construction, maintenance or operation of railways, or other public works in Canada, and not intended for sale, gift or other disposition except as may be authorized by the Minister of National Revenue;

Articles and provisions purchased or imported by a government of a country designated by the Government of Canada under various laws from 1911 to 1914, and included in a Canadian government agency on behalf of such a government, in the construction, maintenance or operation of railways, or other public works in Canada, and not intended for sale, gift or other disposition except as may be authorized by the Minister of National Revenue;

Articles and provisions purchased or imported by a government of a country designated by the Government of Canada under various laws from 1911 to 1914, and included in a Canadian government agency on behalf of such a government, in the construction, maintenance or operation of railways, or other public works in Canada, and not intended for sale, gift or other disposition except as may be authorized by the Minister of National Revenue;

Articles and provisions purchased or imported by a government of a country designated by the Government of Canada under various laws from 1911 to 1914, and included in a Canadian government agency on behalf of such a government, in the construction, maintenance or operation of railways, or other public works in Canada, and not intended for sale, gift or other disposition except as may be authorized by the Minister of National Revenue;

Articles and provisions purchased or imported by a government of a country designated by the Government of Canada under various laws from 1911 to 1914, and included in a Canadian government agency on behalf of such a government, in the construction, maintenance or operation of railways, or other public works in Canada, and not intended for sale, gift or other disposition except as may be authorized by the Minister of National Revenue;

Articles and provisions purchased or imported by a government of a country designated by the Government of Canada under various laws from 1911 to 1914, and included in a Canadian government agency on behalf of such a government, in the construction, maintenance or operation of railways, or other public works in Canada, and not intended for sale, gift or other disposition except as may be authorized by the Minister of National Revenue;

Articles and provisions purchased or imported by a government of a country designated by the Government of Canada under various laws from 1911 to 1914, and included in a Canadian government agency on behalf of such a government, in the construction, maintenance or operation of railways, or other public works in Canada, and not intended for sale, gift or other disposition except as may be authorized by the Minister of National Revenue;

Articles and provisions purchased or imported by a government of a country designated by the Government of Canada under various laws from 1911 to 1914, and included in a Canadian government agency on behalf of such a government, in the construction, maintenance or operation of railways, or other public works in Canada, and not intended for sale, gift or other disposition except as may be authorized by the Minister of National Revenue;

Articles and Provisions

Articles and provisions purchased or imported by a government of a country designated by the Government of Canada under various laws from 1911 to 1914, and included in a Canadian government agency on behalf of such a government, in the construction, maintenance or operation of railways, or other public works in Canada, and not intended for sale, gift or other disposition except as may be authorized by the Minister of National Revenue;

MINES AND QUARRIES.

- Crushed stone or crushed gravel;
- Gold and silver in ingots, blocks, bars, drops, sheets or plates un-manufactured;
- Ores of all kinds;
- Sand, gravel, rubble, and field stone;

MISCELLANEOUS.

Articles and materials purchased or imported by a government of a country designated by the Governor in Council under *Customs Tariff* item 708, or purchased or imported by a Canadian government agency on behalf of such a government, for the construction, maintenance or operation of military or defence establishments in Canada and not intended for resale, gift or other disposition except as may be authorized by the Minister of National Revenue;

British and Canadian coins and foreign gold coin;

Drain tile not exceeding four inches in inside diameter and twelve inches in length;

Electricity;

Fuel for lighting or heating, but not including fuel when for use in internal combustion engines; crude oil to be used in the production of fuel;

Identification tags or labels for designating the grades or quality of meat, poultry, fish, eggs, fruit and vegetables, and materials to be used exclusively in the manufacture thereof;

Natural gas and gas manufactured from coal, calcium carbide or oil for illuminating or heating purposes;

Perforated pipe for drainage purposes not exceeding four inches in inside diameter;

Railway ties;

Seventy-five per cent of the sale price if manufactured in Canada, or seventy-five per cent of the duty paid value if imported, of trailers for use as homes;

Tanks for collecting milk and materials to be used exclusively in the manufacture thereof, but not including chassis or cabs;

Tires and tubes for use exclusively on the machinery enumerated in *Customs Tariff* item 411a;

MUNICIPALITIES.

Certain goods sold to or imported by municipalities for their own use and not for resale, as follows:

Culverts;

Diesel fuel oil for use in generating electricity;

Equipment, at a price in excess of five hundred dollars per unit, specially designed for use directly for road making, road cleaning or fire fighting, but not including automobiles or ordinary motor trucks;

Fire hose including couplings and nozzles therefor;

Fire truck chassis for the permanent attachment thereon of fire fighting equipment to be used directly in fire fighting;

Goods for use as part of sewage and drainage systems, and for purposes of this exemption of such goods, any agency operating a sewage or drainage system for or on behalf of a municipality may be declared a municipality for such purposes by the Minister;

Precast concrete shapes for bridges in public highway systems;

Structural steel and aluminum for bridges;

Articles and materials to be used exclusively in the manufacture of the foregoing;

PRINTING AND EDUCATIONAL.

Bibles, missals, prayer books, psalm and hymn books, religious tracts, Sunday School lesson pictures, books, bound and unbound, pamphlets, booklets, leaflets, scripture, prayer, hymn and mass cards and religious mottoes and pictures unframed, for the promotion of religion, and materials to be used exclusively in the manufacture thereof, but not including forms, stationery or annual calendars;

Books, printed and bound, that contain no advertising and are solely for educational, technical, cultural or literary purposes, and materials to be used exclusively in the manufacture thereof, but excluding price lists, time tables, rate books, catalogues, periodic reports, fashion books, albums, books for writing or drawing upon, and any books similar to the foregoing exclusions;

National manufacturing, industrial or mercantile trade directories, and materials to be used exclusively in the manufacture thereof, but excluding all other directories, and excluding statistical, financial or biographical surveys, reports, year books or directories, and transportation, telephone, municipal or street directories, guides or rate books;

College and school annuals; newspapers; sheet music; magazines and literary papers unbound, regularly issued at stated intervals, not less frequently than four times yearly; and materials to be used exclusively in the manufacture thereof;

The Minister shall be the sole judge as to whether any printed material comes within any of the classes enumerated in any of the four foregoing paragraphs of this heading;

Chalkboards, desks, tables and chairs, not including upholstered chairs, when sold to or imported by educational institutions for their own use and not for resale, including materials to be used exclusively in the manufacture thereof;

Manuscript;

Phonograph records authorized by the Department of Education of any province in Canada for instruction in the English and the French language, and materials to be used exclusively in the manufacture thereof;

Photographs, paintings, pastels, drawing and other art work and illustrations of all kinds, whether originals, copies or proofs, and printing plates made to reproduce the same, for use exclusively as non-advertising news pictures or for illustrating non-advertising articles or stories in periodical publications enjoying second-class mailing privileges, the pages of which are regularly bound, wire stitched or otherwise fastened together;

Portrait photographs of individuals;

Printing for school boards, schools and universities, for use by such institutions and not for resale;

PROCESSING MATERIALS.

Materials (not including grease, lubricating oils or fuel for use in internal combustion engines) consumed or expended directly in the process of manufacture or production of goods.

Diesel fuel oil when used in internal combustion engines used in logging operations and in the manufacture of rough lumber.

Diesel fuel oil when used in internal combustion engines at mines to generate electricity for use in mining operations and other purposes connected therewith.

C-74.

Third Session, Twenty-Fourth Parliament, 8-9 Elizabeth II, 1960.

THE HOUSE OF COMMONS OF CANADA.

BILL C-74.

An Act to amend the Customs Tariff.

First reading, June 8, 1960.

THE MINISTER OF FINANCE.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1960

23097-9

THE HOUSE OF COMMONS OF CANADA.

BILL C-74.

R.S., cc. 60,
316;
1952-53, c. 31;
1953-54, c. 53;
1955, c. 51;
1956, c. 36;
1957, c. 21;
1958, c. 27;
1959, c. 12.

An Act to amend the Customs Tariff.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1958 c. 27,
s. 1.

1. (1) Subsection (1) of section 2 of the *Customs Tariff* is amended by adding thereto, immediately after paragraph (d) thereof, the following paragraph: 5

"Man-made fibre."

"(dd) "man-made fibre" means a staple fibre or filament produced by manufacturing processes, wholly or in part of organic polymers, but does not include rubber;" 10

(2) Subsection (1) of section 2 of the said Act is further amended by adding thereto, immediately after paragraph (j) thereof, the following paragraph:

"Sliver."

"(jj) "sliver" means fibres in a continuous strand, combed or not, not twisted and not exceeding twelve inches in length, and includes tops;" 15

Schedule A
amended.

2. Schedule A to the said Act is amended by striking out tariff items

(a) 160(a), 236, 343, 414a, 414e 463a, 520, 520a, 520b, 520c, 521, 522, 522a, 522b, 522c, 522d, 522e, 522f, 522g, 523, 523a, 523b, 523c, 523d, 523e, 523f, 523g, 523h, 523i, 523j, 523k, 523l, 523n, 524, 524a, 532, 532a, 532b, 532c, 532e, 535b, 535c, 535d, 535f, 549, 549a, 549b, 550, 550a, 550b, 550c, 550d, 551, 551a, 551b, 551c, 551d, 551f, 553, 554, 554a, 554c, 554g, 557, 557a, 557b, 557c, 558, 558a, 558b, 558c, 558d, 558e, 558f, 559, 560, 560a, 560b, 560c, 561, 561d, 563, 564, 564a, 567, 567a, 567b, 573, 586, 663f, 802(b) and 818; 20

(b) 530, 531, 532d, 552, 552a, 553a, 554b, 561a, 562, 562a, 565 and 566; 25

(c) 124*b*, 180*a*, 237*a*, 399*a*, 403(c), 409*e*(1), 437*b*, 438*f*, 438*g*, 440*m* and 440*n*, and the enumerations of goods and the rates of duty set opposite each of those items, and by inserting therein the items, enumerations of goods and rates of duty specified in Schedule A to this Act. 5

Schedule A
further
amended.

3. Schedule A to the said Act is further amended as follows:

(a) by adding to the enumeration of goods in tariff item 438*c* the following: 10

“Door opening weatherseal retainers;

Reclining seat mechanisms;

Swivel seat mechanisms;”;

(b) by deleting from tariff item 438*d* the words “Internal combustion engines of 349 cubic inches and over in displacement;” and substituting therefor the words “Internal combustion engines over 348 cubic inches in displacement;”; and 15

(c) by adding to the enumeration of goods in tariff item 438*d* the following: 20

“Air cleaners;

Cast aluminum road wheels for tube type tires using rim sizes larger than twenty inches by

eight inches and for tubeless type tires using rim sizes larger than twenty-two and one-half

inches by eight and one-quarter inches;” 25

Schedule B
amended.

4. Schedule B to the said Act is amended by striking out item 1030 and the enumeration of goods and the rate of drawback of customs duties set opposite that item, and by inserting therein the item, enumeration and rate of drawback of customs duty specified in Schedule B to this Act. 30

Commence-
ment.

5. This Act and the Schedules to this Act shall be deemed to have come into force on the 1st day of April, 1960, and to have applied to all goods mentioned therein imported or taken out of warehouse for consumption on or after that day, and to have applied to goods previously imported for which no entry for consumption was made before that day. 35

SCHEDULE A

PART I.

Tariff Item		British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
66b	Pretzels.....	Free	15 p.c.	30 p.c.
142	(b) N.o.p.: (iii) <i>Unstemmed, when imported by cigar manufacturers for use as wrappers in the manufacture of cigars in their own factories.....per pound</i>	10 cts.	10 cts.	40 cts.
160	Alcoholic perfumes: (a) When in bottles or flasks containing not more than four ounces each.....	20 p.c.	20 p.c.	90 p.c.
187e	<i>Sensitized negative film, sixteen millimetres in width, for exposure in motion picture cameras.....</i>	Free	15 p.c.	30 p.c.
199m	<i>Woven paper fabrics, open mesh, not less than nine feet in width, for use in the manufacture of carpets.....</i>	15 p.c.	22½ p.c.	35 p.c.
225c	<i>Sugar cane wax.....</i>	Free	Free	10 p.c.
236	Surgical dressings, antiseptic or aseptic, including absorbent cotton, lint, lamb's wool, tow, jute, oakum, whether imported singly or in combination one with another, but not stitched or otherwise manufactured; surgical trusses and suspensory bandages of all kinds; sanitary napkins, and abdominal supports.....	10 p.c.	20 p.c.	35 p.c.
343	Tin, in blocks, pigs, bars, or granular form.....	Free	Free	Free
347e	<i>Electrolytic manganese metal for alloying purposes.....</i>	Free	5 p.c.	20 p.c.
410o	(iii) <i>Mine roof and wall supports and support systems, of metal, including yielding props or chocks, but not including roof bolts or washers or nuts therefor, for use underground in mines; parts of the foregoing.....</i>	Free	12½ p.c.	35 p.c.
414a	Parts of typewriters.....	Free	7½ p.c.	25 p.c.
414e	Parts of adding machines.....	Free	10 p.c.	25 p.c.
463a	Motion picture projectors, arc lamps for motion picture work, motion picture or theatrical spot lights, light effect machines, portable motion picture projectors with or without sound equipment; electric rectifiers or generators designed for use with motion picture projectors; parts of all the foregoing, not including electric light bulbs, tubes, or exciter lamps.....	Free	15 p.c.	35 p.c.
463c	<i>Motion and still picture screens.....</i>	Free	10 p.c.	35 p.c.
465a	<i>Signs or indicating markers of material other than paper with radioisotope activated light source.....</i>	7½ p.c.	17½ p.c.	30 p.c.
465b	<i>Radioisotope activated self-luminous standards for calibration purposes.....</i>	10 p.c.	15 p.c.	25 p.c.
505f	<i>Southern yellow pine lumber, not further manufactured than planed on two sides, for use in the manufacture of flooring for motor trucks.....</i>	Free	Free	25 p.c.
520a	Raw cotton and cotton linters not further manufactured than ginned.....	Free	Free	Free

SCHEDULE A.—Continued

Tariff Item		British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
520b	Cotton fibres, <i>n.o.p.</i> , and carded sliver, wholly of cotton....	5 p.c.	10 p.c.	12½ p.c.
521	Yarns and rovings, including threads, cords and twines, wholly of cotton:			
	(1) Singles.....	12½ p.c.	17½ p.c.	22½ p.c.
	(2) Of count forty or finer, when imported by manufacturers of mercerized yarns for use in the manufacture of mercerized cotton yarns.....	Free	15 p.c.	20 p.c.
	(3) When imported by manufacturers for use in the manufacture of cotton sewing thread or of crochet, knitting, darning or embroidery cottons:			
	(a) Singles.....	Free	10 p.c.	15 p.c.
	(b) Plied.....	5 p.c.	10 p.c.	20 p.c.
	(4) Of count seventy or finer, when imported by manufacturers for use in the manufacture of levers' lace	Free	Free	25 p.c.
	(5) Other, <i>n.o.p.</i>	15 p.c.	20 p.c.	30 p.c.
522	Woven fabrics, wholly of cotton:			
	(1) Not bleached, mercerized nor coloured, <i>n.o.p.</i>	15 p.c.	20 p.c.	30 p.c.
	(2) Bleached or mercerized, not coloured, <i>n.o.p.</i>	17½ p.c.	22½ p.c.	30 p.c.
	(3) Coloured, <i>n.o.p.</i>	17½ p.c.	22½ p.c.	35 p.c.
	(4) Composed of yarns of counts of one hundred or more, including all such fabrics in which the average of the count of warp and weft yarns is one hundred or more.....	Free	25 p.c.	35 p.c.
	(5) With cut pile.....	10 p.c.	25 p.c.	35 p.c.
	(6) For use in the manufacture of sails for boats or ships.....	Free	20 p.c.	30 p.c.
	(7) Bleached, when imported by manufacturers of handkerchiefs for use in the manufacture of handkerchiefs wholly of cotton.....	Free	20 p.c.	27½ p.c.
	(8) Weighing not more than seven and one-half pounds per one hundred square yards, not bleached nor coloured.	Free	Free	30 p.c.
	(9) Not coloured, for use in the manufacture of ribbons for typewriters, calculators, or other office appliances.	Free	12½ p.c.	15 p.c.
523a	Clothing, wearing apparel and other articles, made from woven fabrics wholly of cotton; all textile manufactures, wholly or partially manufactured, the component fibre of which is wholly cotton, <i>n.o.p.</i>	25 p.c.	25 p.c.	35 p.c.
523b	Handkerchiefs, wholly of cotton.....	12½ p.c.	27½ p.c.	35 p.c.
524	Woven fabrics, open mesh, wholly or in chief part by weight of cotton, imported for use in the manufacture of fruit or vegetable bags.....	Free	Free	Free
530a	Wool and wool noils, not further prepared than scoured or carbonized.....	Free	Free	Free
530b	Slivers, wholly or in part of wool, not containing man-made fibres or glass fibres..... per pound	Free	10 cts.	15 cts.

SCHEDULE A.—Continued

Tariff Item		British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
530c	Hair and hair noils; slivers, fifty per cent or more, by weight, of hair; horsehair not further manufactured than dipped or dyed.....	Free	Free	Free
530d	Hair, curled or dyed, n.o.p.....	12½ p.c.	15 p.c.	20 p.c.
531a	Rovings and yarns, fifty per cent or more, by weight, of hair and, per pound	Free	10 p.c.	20 p.c. 17½ cts.
531b	Rovings and yarns, wholly or in part of wool, or in part of hair, n.o.p..... and, per pound	7½ p.c. 7 cts.	12½ p.c. 17 cts.	22½ p.c. 22½ cts.
531c	Rovings and yarns, wholly or in part of wool or hair, in measured skeins or balls..... and, per pound	7½ p.c. 10 cts.	12½ p.c. 20 cts.	22½ p.c. 22½ cts.
531d	Yarns and warps, spun on the worsted system, composed wholly of wool or in part of wool or hair, imported by manufacturers for use in their own factories in the manufacture of woven fabrics in chief part by weight of wool or hair and not exceeding six ounces to the square yard, when in the gray or unfinished condition, under such regulations as may be prescribed by the Minister..... and, per pound	Free	15 p.c. 15 cts.	20 p.c. 17½ cts.
532d	Woven fabrics, composed wholly or in chief part by weight of yarns of wool or hair, not exceeding in weight four ounces to the square yard, when imported in the gray or unfinished condition, for the purpose of being dyed or finished in Canada..... and, per pound	Free	20 p.c. 15 cts.	30 p.c. 20 cts.
532e	Woven fabrics composed wholly or in part of yarns of wool, imported in the web in lengths of not less than five yards each, for use exclusively in the manufacture of neckties, scarves or mufflers, but not including such fabrics for use as interlining..... and, per pound	Free	15 p.c.	40 p.c. 40 cts.
	In the case of such fabrics weighing not more than nine ounces to the square yard, the total duty leviable shall not be in excess of..... per pound		\$1.10	
550	Silk cocoons.....	Free	Free	Free
551a	Yarns and rovings, wholly of silk, degummed or not:			
	(1) Not thrown or spun.....	Free	Free	Free
	(2) Not further advanced than thrown or spun.....	Free	7½ p.c.	10 p.c.
	(3) N.o.p., including threads, cords or twines.....	12½ p.c.	20 p.c.	25 p.c.
551b	Yarns and rovings of silk and vegetable fibres.....	12½ p.c.	20 p.c.	25 p.c.
552a	Woven fabrics, more than fifty per cent, by weight, of silk, not containing wool or hair.....	12½ p.c.	22½ p.c.	45 p.c.
552b	Woven fabrics of silk and vegetable fibres, n.o.p.....	12½ p.c.	22½ p.c.	45 p.c.
553	The following, when the textile component thereof is more than fifty per cent, by weight, of silk:			
	(1) Handkerchiefs, made from woven fabric.....	20 p.c.	22½ p.c.	45 p.c.

SCHEDULE A.—Continued

Tariff Item		British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
553 (conc.)	(2) Headsquares, scarves or mufflers, made from woven fabrics.....	20 p.c.	22½ p.c.	45 p.c.
	(3) Clothing, wearing apparel and articles, made from woven fabrics, and all textile manufactures, wholly or partially manufactured.....	27½ p.c.	30 p.c.	45 p.c.
559a	Rags and wastes, whether or not cleaned, dusted, willowed, picked or pulled, unfit for use without further manufacture; used textile manufactures or waste portions of unused yarns or of unused fabrics, imported for disintegrating or for the manufacture of wiping rags; none of the foregoing to include remnants or mill ends.....	Free	Free	Free
559b	Waste portions of unused fabrics, n.o.p., not to include remnants or mill ends.....	7½ p.c.	10 p.c.	20 p.c.
559c	Garnetted material, obtained by disintegrating yarns or fabrics, wholly of wool or hair, in the natural colour of the fleece or the hair.....	Free	Free	Free
559d	Garnetted material, obtained by disintegrating yarns or fabrics, n.o.p.....	7½ p.c.	10 p.c.	20 p.c.
559e	Nubs, slugs, slubs, neps or kemps.....	Free	Free	Free
559f	Washed wiping rags, trimmed or untrimmed; machined wiping wastes or machined journal-box packing wastes.....	7½ p.c.	10 p.c.	20 p.c.
560a	Man-made fibres or glass fibres, not exceeding twelve inches in length.....	5 p.c.	12½ p.c.	15 p.c.
560b	Sliver, wholly or in part of man-made fibres or of glass fibres.....	5 p.c.	12½ p.c.	15 p.c.
560c	Man-made filaments or glass filaments imported for converting into lengths not exceeding twelve inches, for use in the manufacture of textile yarns or flock.....	5 p.c.	12½ p.c.	15 p.c.
560d	Man-made fibres, not exceeding twelve inches in length, for use in the manufacture of carpets.....	2½ p.c.	10 p.c.	15 p.c.
560e	Man-made filaments imported for use in the manufacture of cigarette filter tips.....	5 p.c.	12½ p.c.	15 p.c.
561a	Yarns and rovings, wholly of man-made fibres or filaments or of glass fibres or filaments, not more advanced than singles, not coloured, with not more than seven turns to the inch..... but not less than, per pound	20 p.c.	22½ p.c. 22 cts.	35 p.c. 28 cts.
561b	Yarns and rovings, wholly or in part of man-made fibres or filaments or of glass fibres or filaments, including threads, cords or twines, not containing wool or hair... but not less than, per pound	22½ p.c.	22½ p.c. 22 cts.	35 p.c. 28 cts.
561c	Yarns, wholly of man-made fibres or filaments, not more advanced than singles, not coloured, with not more than seven turns to the inch, for use in the manufacture of woven cord tire fabric..... but not less than, per pound	7½ p.c.	12½ p.c. 11 cts.	35 p.c. 28 cts.
561d	Yarns and rovings, including threads, cords or twines, wholly or in part of man-made fibres or filaments, not containing silk, wool or hair, for use in the manufacture of fabrics for conveyor or transmission belts or belting containing rubber.....	12½ p.c.	22½ p.c.	35 p.c.

SCHEDULE A.—Continued

Tariff Item	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff	
561e	Yarns and rovings composed of hair combined with man-made fibres or filaments, for use in the manufacture of tailors' canvas interfacing..... and, per pound	Free	7½ p.c. 10 cts.	20 p.c. 17½ cts.
562a	Woven fabrics, wholly or in part of man-made fibres or filaments or of glass fibres or filaments, not containing wool or hair, not including fabrics more than fifty per cent, by weight, of silk..... and, per pound Woven fabrics containing five per cent or less, by weight, of man-made fibres or filaments or of glass fibres or filaments shall not be dutiable under this item but shall be dutiable as though composed wholly of the remaining constituents.	22½ p.c.	30 p.c. 20 cts.	45 p.c. 40 cts.
562b	Woven fabrics with cut pile, wholly or in part of man-made fibres or filaments or of glass fibres or filaments, not containing wool or hair.....	20 p.c.	30 p.c.	45 p.c.
562c	Woven fabrics with leno-edged strips, not less than forty inches in width, wholly of man-made fibres or filaments, imported in the unfinished condition by manufacturers of metalline ribbons, for use in the manufacture of such ribbons.....	Free	5 p.c.	45 p.c.
562d	Umbrella-covering fabrics, impregnated or not, with or without hemmed edges, in lengths of not less than ten yards, for use in the manufacture of umbrellas having a rib length of not more than twenty-seven inches....	Free	Free	Free
562e	Woven fabrics, wholly or in part of silk or of man-made fibres or filaments, imported in lengths of not less than five yards, by manufacturers of neckties, for use in the manufacture of neckties, but not including such fabrics for use as interlining.....	15 p.c.	15 p.c.	45 p.c.
562f	Woven cord tire fabric, wholly or in chief part, by weight, of man-made fibres or filaments, not to contain silk or wool, for use in the manufacture of pneumatic tires, n.o.p..... and, per pound	7½ p.c.	7½ p.c. 7½ cts.	45 p.c. 40 cts.
562g	Woven cord tire fabric, wholly or in chief part, by weight, of man-made fibres or filaments, not to contain silk or wool, coated with a rubber composition, when imported by manufacturers of rubber tires, to be incorporated by them in pneumatic tires, in their own factories.....	Free	15 p.c.	45 p.c.
562h	Woven fabrics, wholly or in part of man-made fibres or filaments, not containing silk, wool or hair, whether or not coated or impregnated, when imported by manufacturers of conveyor or transmission belts or belting containing rubber, for use in the manufacture of such belts or belting.....	15 p.c.	27½ p.c.	45 p.c.
563	Clothing, wearing apparel and articles made from woven fabrics, and all textile manufactures, wholly or partially manufactured, the textile component of which is fifty per cent or more, by weight, of man-made fibres or filaments or of glass fibres or filaments, not containing wool or hair.....	20 p.c.	27½ p.c.	50 p.c.

SCHEDULE A.—Continued

Tariff Item	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff	
563a	Clothing, wearing apparel and articles made from woven fabrics, and all textile manufactures, wholly or partially manufactured, n.o.p., of which the component of chief value is silk or synthetic textile fibres or filaments.....	20 p.c.	27½ p.c.	50 p.c.
564	Church vestments, prayer shawls, prayer shawl fringes and prayer shawl bags.....	10 p.c.	10 p.c.	20 p.c.
565	Saris of any material.....	20 p.c.	22½ p.c.	50 p.c.
573	Enamelled carriage, shelf and table oilcloth, and cork matting or carpets..... and, per pound	15 p.c.	27½ p.c.	35 p.c. 4 cts.
573a	Linoleum; felt base floor covering not including such materials in which are incorporated synthetic resin sheets or cellulose plastic sheets..... and, per pound	15 p.c.	25 p.c.	35 p.c. 4 cts.
586	Anthracite coal; anthracite coal screenings and dust.. per ton	Free	Free	50 cts.
624a	(5) Toy electric train sets, transformers, parts and accessories for use therewith.....	5 p.c.	20 p.c.	40 p.c.
663f	Iodized mineral salts, for use in the feeding of animals..	Free	10 p.c.	25 p.c.

PART II.

532a	Woven fabrics composed wholly or in part of yarns of wool or hair, n.o.p..... and, per pound	20 p.c. 20 cts.	27½ p.c. 38 cts.	40 p.c. 40 cts.
	The total duty leviable shall not be in excess of.....per pound	60 cts.
532b	Woven fabrics composed wholly or in part of yarns of wool or hair and weighing not less than twelve ounces to the square yard..... and, per pound	20 p.c. 15 cts.	27½ p.c. 33 cts.	40 p.c. 40 cts.
	The total duty leviable shall not be in excess of.....per pound	55 cts.
532c	Woven fabrics composed wholly or in chief part by weight of yarns of wool or hair and weighing not more than nine ounces to the square yard, n.o.p..... and, per pound	20 p.c. 20 cts.	27½ p.c. 38 cts.	40 p.c. 40 cts.
	The total duty leviable shall not be in excess of.....per pound	60 cts.	\$1.10
538a	Cotton yarns, wholly covered with a double layer of metallic strip in single strand only, when imported by manufacturers for use exclusively in the manufacture of electrical conductors, in their own factories and, per pound	10 p.c.	10 p.c.	25 p.c. 4 cts.
538b	Lace and embroideries, wholly of cotton, coloured, when imported for use exclusively by manufacturers in the manufacture of clothing, in their own factories and, per pound	7½ p.c.	15 p.c.	30 p.c. 4 cts.

RESEARCH REPORT

PART II - CONCLUSIONS

Section	Page	Summary of Findings	Conclusions
1.0	10	Introduction and scope of the study.	The study was conducted to determine the effect of various factors on the rate of reaction.
2.0	15	Experimental procedure and apparatus used.	The reaction was carried out in a closed system at constant temperature.
3.0	20	Results of the experiments.	The rate of reaction was found to be directly proportional to the concentration of the reactants.
4.0	25	Discussion of the results.	The results are consistent with the proposed mechanism of the reaction.
5.0	30	Conclusions and recommendations.	It is concluded that the reaction is first order with respect to the reactants.
6.0	35	References.	References are given to the literature on the kinetics of similar reactions.
7.0	40	Appendix.	Appendix contains the raw data and calculations used in the study.
8.0	45	Tables.	Tables I and II show the experimental data and the calculated values.
9.0	50	Figures.	Figure 1 is a plot of the rate of reaction versus the concentration of the reactants.
10.0	55	Summary.	A summary of the main findings of the study is given in this section.
11.0	60	References.	References are given to the literature on the kinetics of similar reactions.
12.0	65	Appendix.	Appendix contains the raw data and calculations used in the study.
13.0	70	Tables.	Tables I and II show the experimental data and the calculated values.
14.0	75	Figures.	Figure 1 is a plot of the rate of reaction versus the concentration of the reactants.
15.0	80	Summary.	A summary of the main findings of the study is given in this section.
16.0	85	References.	References are given to the literature on the kinetics of similar reactions.
17.0	90	Appendix.	Appendix contains the raw data and calculations used in the study.
18.0	95	Tables.	Tables I and II show the experimental data and the calculated values.
19.0	100	Figures.	Figure 1 is a plot of the rate of reaction versus the concentration of the reactants.
20.0	105	Summary.	A summary of the main findings of the study is given in this section.

SCHEDULE A.—Continued

PART II—Concluded

Tariff Item	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff	
538c	Knitted fabric wholly of cotton, in the web, imported by manufacturers of rubber boots and shoes for use exclusively in the manufacture of such articles in their own factories.....	10 p.c.	20 p.c.	25 p.c.
538d	Fabrics wholly of cotton, coated or impregnated, n.o.p. and, per pound.....	20 p.c.	25 p.c.	35 p.c. 4 cts.
538e	Felt, pressed, of all kinds, in the web, not consisting of or in combination with any woven, knitted or other fabric or material..... and, per pound.....	12½ p.c.	17½ p.c. 12½ cts.	25 p.c. 20 cts.
538f	Felt, splint, for use in making moulded splints for medicinal purposes.....	Free	10 p.c.	25 p.c.
538g	Blankets, not including automobile rugs or steamer rugs or similar articles or <i>blankets wholly of cotton:</i> (1) Blankets, wholly or in part of wool or hair..... and, per pound..... (2) Blankets, n.o.p..... and, per pound.....	20 p.c. 5 cts. 20 p.c. 5 cts.	25 p.c. 20 cts. 25 p.c. 20 cts.	35 p.c. 30 cts. 35 p.c. 30 cts.
538h	Stereotypers' and typecasters' blankets or blanketing and press blankets or blanketing used for printing presses, of a class or kind not made in Canada.....	Free	5 p.c.	10 p.c.
538i	Fabrics, coated or impregnated, n.o.p.: (1) Composed wholly or in part of silk..... (2) Composed wholly or in part of synthetic textile fibres or filaments, but not containing silk.....	27½ p.c. 30 p.c.	30 p.c. 35 p.c.	45 p.c. 50 p.c.
538j	Woven fabrics not exceeding twelve inches in width generally known as "ribbons", whether with cut pile or not, wholly or in part of silk but not containing wool.....	22½ p.c.	25 p.c.	35 p.c.
538k	Woven fabrics not exceeding twelve inches in width, generally known as "ribbons", whether with cut pile or not, wholly or in part of synthetic textile fibres or filaments, but not containing silk or wool.....	22½ p.c.	25 p.c.	35 p.c.
538m	Embroideries, lace, braids, cords, chenille, gimp, fringes and tassels, whether containing tinsel or not, nets, nettings and bobbinet, n.o.p.....	17½ p.c.	22½ p.c.	35 p.c.
538n	Plaited or braided lines and cords, non-elastic, whether of tubular or of solid construction, not exceeding one inch in circumference, wholly or in chief part by weight of vegetable fibres.....	15 p.c.	30 p.c.	35 p.c.
538p	Woven fabrics, containing figured designs, not exceeding twelve inches in width, laces, embroideries, emblems and medallions, for use in the manufacture of church vestments.....	10 p.c.	10 p.c.	20 p.c.

SCHEDULE A.—Continued

PART III.

Tariff Item	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff	
90e	Potatoes, pre-cooked, without admixture beyond the addition of preservatives, in powder, flake or granular form.....	17½ p.c.	17½ p.c.	25 p.c.
124b	Squid, octopus and cuttlefish.....	Free	Free	Free
180a	Photographs, negatives and exposed film, for use only as news illustrations.....	Free	Free	Free
237a	Deuterium oxide or heavy water; uranium in the form of pigs, ingots, billets or bars..... <i>On and after July 1, 1962</i>	Free Free	Free 15 p.c.	25 p.c. 25 p.c.
399a	Pipes or tubes of iron or steel, commonly known as "oil-country goods", being casing or tubing and fittings or couplings therefor; sucker rods, pony rods, polished rods and couplings therefor; <i>seismograph drilling bits, in sizes three and one-half inches to four and three-quarter inches inclusive</i> ; all of the foregoing for use in connection with natural gas or oil wells.....	5 p.c.	10 p.c.	20 p.c.
403	Wire, of steel: (c) Valued at not less than two and three-quarter cents per pound for use in the manufacture of wire rope.....	Free	5 p.c.	7½ p.c.
409e	(1) Spraying and dusting machines and attachments therefor, including hand sprayers, for agricultural or horticultural purposes; apparatus for the destruction of predatory animals by the discharge of poisonous cartridges and poisonous cartridges for such apparatus; automatic explosive bird-scaring devices; apparatus specially designed for sterilizing bulbs; pressure testing apparatus for determining maturity of fruit; pruning hooks; pruning shears; dehorning instruments; <i>magnets for veterinary use</i> ; parts of the foregoing.....	Free	Free	Free
437b	<i>Diesel</i> motor rail cars or units and chassis for same for use on railways for the carriage of passenger, baggage, mail or express traffic, and parts thereof.....	Free	Free	35 p.c.
438f	Parts, n.o.p., electro-plated or not, whether finished or not, for automobiles, motor vehicles, electric trackless trolley buses, fire fighting vehicles, ambulances and hearses, or chassis enumerated in tariff items 424 and 438a, including engines, but not including ball or roller bearings, wireless receiving sets, die castings of zinc, electric storage batteries, parts of wood, tires and tubes or parts of which the component material of chief value is rubber.....	Free	25 p.c.	35 p.c.
438g	Brake linings and clutch facings, whether or not including metallic wires or threads, for automobiles, motor vehicles, electric trackless trolley buses, fire fighting vehicles, ambulances and hearses, or chassis enumerated in tariff items 424 and 438a: (1) When made wholly or in part from crude asbestos of British Commonwealth origin..... (2) When made wholly or in part from crude asbestos, n.o.p.....	Free 15 p.c.	25 p.c. 25 p.c.	35 p.c. 35 p.c.
438h	Motor cycles or side cars therefor, and parts of the foregoing.....	Free	17½ p.c.	30 p.c.

SCHEDULE A.—*Concluded*PART III.—*Concluded*

Tariff Item		British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
440m	Aircraft, not including engines, under such regulations as the Minister may prescribe:			
	1. When of types or sizes not made in Canada..... <i>On and after July 1, 1962</i>	Free Free	Free 15 p.c.	27½ p.c. 27½ p.c.
	2. When of types and sizes made in Canada.....	Free	15 p.c.	27½ p.c.
440n	Aircraft engines, when imported for use in the equipment of aircraft:			
	1. When of types or sizes not made in Canada..... <i>On and after July 1, 1962</i>	Free Free	Free 15 p.c.	27½ p.c. 27½ p.c.
	2. When of types and sizes made in Canada.....	Free	15 p.c.	27½ p.c.

d

SCHEDULE B.

Item No.	Goods	When Subject to Drawback	Portion of Duty (not including Special Duty or Dumping Duty) Payable as Drawback
1013	Materials.....	When used in the manufacture of articles enumerated in tariff item 236.....	50 p.c.

